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इस भाग में निम्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके

Separate paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii) PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ राज्यक्षेत्र प्रशासनों को छोड़कर)
केन्द्रीय प्राधिकारियों द्वारा जारी किये गए सांविधिक आदेश और अधिसूचनाएँ

**Statutory Orders and Notifications issued by the Ministries of the Government of India
(other than the Ministry of Defence) by Central Authorities
(other than the Administrations of Union Territories)**

ELECTION COMMISSION OF INDIA

New Delhi, the 8th March, 1978

S.O. 801.—In pursuance of section 106 of the Representation of the People Act, 1951 (43 of 1951), the Election Commission hereby publishes the Judgment dated 4th January, 1978, of the Gauhati High Court, Assam, in Election Petition No. 1 of 1977.

IN THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM : NAGALAND :
MEGHALAYA : MANIPUR AND TRIPURA)

Election Petition No. 1 of 1977

Shri Dulal Chandra Baruah—Petitioner.

Vs.

Shri Tarun Chandra Gogoi and another—Respondents.

PRESENT :

The Hon'ble Mr. Justice Baharul Islam.

For the Petitioner—Mr. J. P. Bhattacharjee, Mr. P. C. Kotaki, Mr. S. M. Modhi, Mr. J. M. Chaudhuri, Mr. Prashanta Kr. Goswami, Mr. A. K. Bhattacharya, Mr. Joginder Singh and Miss. H. Khatun, Advocates.

For the Respondents—Mr. R. C. Chaudhury, Mr. Ram Panjwani, Mr. D. C. Goswami, Mr. N. N. Saikia, Mr. A. S. Bhattacharjee, Mr. Liladhar Katarky, Mr. Bhargab Chowdhury, Advocates.

Dates of Evidence—29-8-77, 30-8-77, 31-8-77, 1-9-77, 6-9-77, 7-9-77, 8-9-77, 9-9-77, 12-9-77, 13-9-77, 14-9-77, 20-9-77, 21-9-77, 23-9-77, 26-9-77, 27-9-77, 28-9-77, 29-9-77, 30-9-77, 3-10-77, 4-10-77, 5-10-77, 6-10-77, 10-10-77, 11-10-77, 14-11-77, 15-11-77, 16-11-77, 21-11-77, 23-11-77, 24-11-77, 28-11-77, 29-11-77, 30-11-77, 5-12-77, 6-12-77, 7-12-77 and 8-12-1977.

Dates of Argument—15-12-77, 16-12-77, 17-12-77, 19-12-77, 20-12-77, 22-12-77 and 23-12-77.

Date of Judgment—4th January, 1978.

JUDGMENT

The election to the Lok Sabha from the Jorhat Parliamentary Constituency took place in the month of March, 1977. Three candidates contested from the said Constituency; they were the petitioner, Shri Dulal Barua, the respondent No. 1, Tarun Gogoi, who is the returned candidate and one Shri Jogen Gogoi, Respondent No. 2. The Respondent No. 1 was a Congress candidate, Shri Jogen Gogoi was a candidate of the Communist Party of India (C.P.I.). The petitioner at the relevant time was, and still is, a member of the Assam Legislative Assembly and the Deputy Leader of the United Opposition Front known as the Janata Group. He was a Janata party candidate. The poll in the constituency took place on the 19th March, 1977. The petitioner obtained 1,20,215 valid votes, the Respondent 1,48,902 votes and Shri Jogen Gogoi 32,081 votes, with the result that the Respondent was declared elected by the Returning Officer.

2. According to the petitioner the Respondent has committed a large number of corrupt practices by himself, by his election agent, Shri Bijoy Krishna Handique, and his

other agents with the consent of the Respondent, and as such the election of the Respondent has been void.

3. According to the Petitioner corrupt practices within the meaning of Section 123(1) of the Representation of the People Act, 1951 (hereinafter referred to as 'the Act') have been committed and the allegations of the said corrupt practices have been made in paras 10, 11, 12, 13, 14, 15, 16, 17, 27, 25, 26, 28, 29(a), 29(b) and 29(c) of the petition; allegations of corrupt practices within the meaning of Section 123(2) of the Act have been made in paras 31 and 36 of the petition; allegations of corrupt practices within the meaning of Section 123(3) of the Act have been made in paras 22, 23, 24 and 30 of the petition; allegations of corrupt practice within the meaning of Section 123(1A) of the Act have been made in paras 18, 19, 20 and 21 of the petition; and allegations of corrupt practices within the meaning of Section 123(7) of the Act have been made in para 29 read with para 32, sub-para (i), (ii), (iii), (iv), (v), (vi), (vii), (viii), (ix) and (xiii) of the petition. In order to avoid repetitions, I am not mentioning here the allegations of corrupt practices and the names of the persons who allegedly committed the corrupt practices. I shall refer to them at the appropriate places below.

4. Respondent No. 2 did not appear. Respondent No. 1 (hereinafter called 'the Respondent') has filed a written statement. He has denied the commission of the corrupt practices alleged by the Petitioner either by himself or by his election agent or by any of his agents with his consent. I shall refer to his answers to the specific allegations of corrupt practices at the appropriate places below.

5. On the basis of the pleadings of the parties, the following issues have been framed :

- (1) Whether the Respondent No. 1 has committed the corrupt practices alleged in paragraphs 10 to 26 and 35 of the Election Petition or any of them. If so, whether the election of Respondent No. 1 is liable to be decided void.
- (2) Whether the Election Agent of Respondent No. 1 has committed the corrupt practices alleged in paras 24, 27 and 28 of the Election Petition or any of them. If so, whether the election of Respondent No. 1 is liable to be declared void.
- (3) Whether corrupt practices as alleged in paras 6, 12, 15, 17, to 29, 29(a) to (c), 30, 31, 32(i) to (xiii), 33(i) to (iv), 36 and 37 of the election petition, or any of them, have/have been committed by the persons named in the said paragraphs. If so, whether the said corrupt practices or any of them have/have been committed with the consent of the Respondent No. and/or his election agent.
- (4) Whether corrupt practices as alleged in paras 29, 29(a) to (c), 30, 31, 32(i) to (xiii), 33(i) to (iv) of the election petition or any of them have/have been committed by the persons named in the said paragraphs. Whether the said corrupt practices committed were in the interest of Respondent No. 1 and as a result thereof, whether the result of the election of Respondent No. 1 has been materially affected.
- (5) Whether there has been any irregularity or illegality as alleged in paras 33 and 34 of the election petition. If so, whether the result of the election of Respondent No. 1 has been materially affected as a result thereof.
- (6) Whether the allegations of corrupt practices made in paragraphs 27, 32(i) to (xiii), 33 and 33(i) to (iv) and 35 of the election petition, or any of them, are/is not in compliance with Section 83(1)(b) of the Representation of the people Act. If so, to what effect?
- (7) To what relief or reliefs are the parties entitled to?

6. Issue No. 6 was heard as a preliminary Issue and disposed of by my order dated 8-7-1977. In Issue No. 6 it was held "Para 33 of the election petition does not relate to any corrupt practice, but to an alleged violation of Sec-

tion 26 of the Act. This para of the petition is covered by Issue No. 5.

Learned Counsel for the Petitioner concedes that paragraph 36 of the election petition is not in compliance with Section 83(1) of the R. P. Act and as such paragraph 35 shall be deemed to form no part of the election petition. The petitioner shall not be entitled to give evidence on the allegations made in this paragraph. The reference to paragraph 35 in Issue No. 1 shall be deleted."

As a result of the above findings on Issue No. 6, Issue No. 1 stands recast as follows :

- "(1) Whether the Respondent No. 1 has committed the corrupt practices alleged in paragraphs 10 to 26 of the election petition or any of them. If so, whether the election of Respondent No. 1 is liable to be declared void."

In para 6 of the petition, the Petitioner has not pleaded commission of any corrupt practice as such. In para 29 also the Petitioner has not made allegations of any independent corrupt practice. Paragraph 29 should be read along with sub-para (i) to (xiii) of paragraph 32 of the petition.

In paragraph 37 of the petition also, the Petitioner has made no allegation of any separate corrupt practice. The para contains mere argument. As such, and in view of the findings on Issue No. 6, Issues No. 3 and 4 stand recast as follows :—

- "(3) Whether corrupt practices as alleged in paras 12, 15, 17 to 28, 29(a) to (c), 30, 31, 29, read with paras 32(i) to (xiii) and 36 of the election petition or any of them, have/have been committed by the persons named in the said paragraphs. If so, whether the said corrupt practices or any of them, have/have been committed with the consent of respondent No. 1 and/or his election agent.
- (4) Whether corrupt practices as alleged in paras 29(a) to (c), 30, 31, 29 read with paras 32(i) to (xiii) of the election petition or any of them, have/have been committed by the persons named in the said paragraphs. Whether the said corrupt practices, if committed, were in the interest of Respondent No. 1 and as a result thereof, whether the result of the election has been materially affected."

7. At this stage an examination of the principles of law relevant to the present case is called for.

One of the salutary principles that should be kept in mind is that the election of a returned candidate should not be lightly set aside, as he has won the election apparently by securing majority of votes; and holding of a fresh election means numerous botherations, huge expenses, loss of public time and money, and uncertainty of public representation from the constituency in question. At the same time it must also be remembered that the purity of the poll must be maintained; and if it is violated, by violating the provisions of the law, and thus the election is won, it has to be set aside. (Sec. 9 Election Law Reports 231 and A.I.R. 1977 S.C. 208).

In A.I.R. 1976 S.C. 1599 their Lordships of the Supreme Court have observed :

"In a democracy such as ours, the purity and sanctity of elections, the sacrosanct and sacred nature of the electoral process must be preserved and maintained. The valuable verdict of the people at the polls must be given due respect and candour and should not be disregarded or set at naught on vague, indefinite, frivolous or fanciful allegations or on evidence which is of a shaky or prevaricating character. It is well settled that the onus lies heavily on the election petitioner to make out a strong case for setting aside an election. In our country election is a fairly costly and expensive venture and the Representation of the People Act has provided sufficient safeguards to make the elections fair and free. In the circumstances, therefore, election results cannot be lightly brushed aside in election disputes. At the same time it is necessary to protect the purity and sobriety of the elections by ensuring that the candidates do not secure the valuable votes of the

people by undue influence, fraud, communal propaganda, bribery or other corrupt practices as laid down in the Act."

8. In the instant case the election of the Respondent is sought to be set aside on the ground of corrupt practices. The law is well-settled that a charge of corrupt practice is of quasi criminal nature and the commission of the corrupt practice must be proved beyond reasonable doubt and not by mere preponderance of probabilities. [See (1977) 1 S.C.C. 260, A.I.R. 1977 S.C. 2171 and A.I.R. 1977 S.C. 208].

Their Lordships of the Supreme Court in A.I.R. 1977 S.C. 208 (supra) have also observed :—

"A charge of corrupt practice is easy to level but difficult to prove. If it is sought to be proved only or mainly by oral evidence without there being contemporaneous documents to support it, Court should be very careful in scrutinizing the oral evidence and should not lightly accept it unless the evidence is credible, trustworthy, natural and showing beyond doubt the commission of corrupt practice, as alleged."

* * * *

.....It must always be borne in mind that the consequences of setting aside of an election on the ground of corrupt practice are very serious for the candidate concerned as well as others involved in it. A Court, therefore, should reach its conclusion with care and caution taking into consideration the broad probabilities, the natural conduct of the persons involved and the special situation in which a corrupt practice is alleged to have been committed."

9. The present case, by and large, depends on oral evidence on the charges of corrupt practice. The principle of law applicable in viewing such evidence need also, therefore, be stated.

In the case of Birbal Singh v. Kedar Nath, reported in A.I.R. 1977 S.C. 1, their Lordships of the Supreme Court, have observed :

".....It is a matter of common occurrence in election petitions that parties manage to collect a large volume of oral evidence in support of the allegations of corrupt practice. Very often, the allegations are concocted and are attempted to be established with the evidence of partisan witnesses. On rare occasions when the allegations are true, untrue evidence is led to strengthen the charges."

* * * *

Their Lordships of the Supreme Court in the case of Rahim Khan Vs. Khurshid Ahmed and others, reported in (1974) 2 S.C.C. 660, have observed :—

"We must emphasize the danger of believing at its face value oral evidence in an election case without the backing of sure circumstances or indubitable documents. It must be remembered that corrupt practices may perhaps be proved by hiring half a dozen witnesses apparently respectable and disinterested, to speak to short and simple episodes such as that a small village meeting took place where the candidate accused his rival of personal vices. There is no X-ray whereby the dishonesty of the story can be established and, if the Court were gullible enough to gulp such oral versions and invalidate elections, a new menace to our electoral system would have been invented through the judicial apparatus. We regard it as extremely unsafe, in the present climate of kilkenny-cat election competitions and partisan witnesses wearing robes of veracity, to upturn a hard won electoral victory merely because lip service to a corrupt practice has been rendered by some sanctimonious witnesses. The Court must look for serious assurance, unlying circumstances or unimpeachable documents to uphold grave charges of corrupt practices which might not merely cancel the election result, but extinguish many a man's public life."

10. It will appear that most of the witnesses examined by the petitioner and the Respondent were members and/

or workers or supporters of one or the other of the two main contending parties. As such they were partisan and interested. The principle of law that should be kept in view in assessing the evidence of such witnesses need also be stated.

The Supreme Court in A.I.R. 1976 S.C. 1599 (supra) has observed :—

"The allegations of corrupt practices being in the nature of a quasi-criminal charge the same must be proved beyond any shadow of doubt. Where the election petitioner seeks to prove charge by purely partisan evidence consisting of his workers, agents, supporters and friends, the court would have to approach the evidence with great care and caution, scrutiny and circumspection, and would, as a matter of prudence though not as a rule of law, require corroboration of such evidence from independent quarters, unless the Court is fully satisfied that the evidence is so credit-worthy and true, spotless and blemishless, cogent and consistent, that no corroboration to lend further assurance is necessary. It has to be borne in mind that the attempt of the agents or supporters of that defeated candidate is always to get the election set aside by means fair or foul and the evidence of such witnesses, therefore, must be regarded as highly interested and tainted evidence which should be acted upon only if the Court is satisfied that the evidence is true and does not suffer from any infirmity. Where, however, the evidence led by the election petitioner even though consistent is fraught with inherent improbabilities and replete with unnatural tendencies, the Court may refuse to accept such evidence, because consistency alone is not the conclusive test of truth. Judicial experience shows that sometimes even a tutored or parrot like evidence can be consistent and free from discrepancies and yet not worthy of credence."

In A.I.R. 1977 S.C. 1 (supra) also the Supreme Court has observed :—

"Interested witnesses are not necessarily false witnesses though the fact that the witness has a personal interest or stake in the matter must put Court on its guard. The evidence of such witnesses must be subjected to a closer scrutiny and indeed the court may in a given case be justified in rejecting that evidence unless it is corroborated from an independent source. But the reasons for corroboration must arise out of the context and texture of evidence. Even interested witnesses may be interested in telling the truth to the Court and therefore, the Court must assess the testimony of each important witness and indicate its reasons for accepting or rejecting it. A broad and general comment that a particular witness is an election agent of a candidate and cannot therefore, be relied upon is not a judicial assessment of evidence. Evidence can be assessed only after a careful analysis."

11. The legal effect of non-examination by the Respondent of some witnesses to whom I shall refer at the appropriate places, may also be stated at this stage.

In 1969 (1) S.C.C. 636 their Lordships of the Supreme Court held that before an inference can be drawn by the Court from the non-examination of a witness by the Respondent, the Court must first find that "the testimony of witnesses examined against the successful candidate as acceptable, so that the initial burden which lay on the election petitioner was discharged to the satisfaction of the court".

In (1975) 4 S.C.C. 769, their Lordships held :

".....even if the nature of the trial of an election petition is not the same in all respects as that of a criminal trial, the burden of proving each and every ingredient of the charge in an election petition remains on the petitioner."

12. Keeping in mind the above principles of law we may now turn to the corrupt practices as alleged in the petition. According to the petitioner corrupt practices within the meaning of Section 123(10) of the Act were committed by the Respondent himself at the following places :

(i) GAJPURIA

In para 10 of the petition, the petitioner has alleged that on 3-3-77 the Respondent went to village Gajpuria and met

one Shri Tepu Dutta there and requested the latter to cast his own vote in his favour and procure the votes of the other electors of the said village in his favour. For that purpose the Respondent paid him Rs. 1,500 for the purpose of repairing a culvert of the village. The Respondent in his written statement has admitted that on 3-3-77 he visited Gajpuria village and met some people there but has denied to have met Tepu Dutta and to have paid to him Rs. 1,500 and to have requested him to work for the purpose of his election in that village.

The Petitioner has no personal knowledge of the commission of the corrupt practice. He has stated in his petition that he was informed about the commission of the corrupt practice. In support of his allegations, he has examined three witnesses P.W. 27, Krishna Kumar Borah, P.W. 28, Rabin Tamuli and P.W. 39, Dhiren Saikia, while the Respondent has examined himself, R.W. 8, Golok Bora and R.W. 20, Loknath Bora. All of them have denied the allegations R.W. 8 has denied to have visited Gajpuria on 3-3-77. R.W. 20 has admitted to have attended a meeting at Gajpuria with the Respondent but has denied the alleged payment of the money by the Respondent to Tepu Dutta.

P.W. 27 is a student of the J. B. College, Jorhat. He is a resident of Gajpuria village which is at a distance of about 3 miles from Jorhat. According to him on March 3, 1977, Tepu Dutta convened a congress election meeting in the local 'Namghar' at about 7 p.m. and about 40 or 50 persons attended the meeting. The meeting was attended, according to P.W. 27, by the Respondent, Loknath Bora (R. W. 20), Golok Bora (R.W. 8), Suren Bora and others. He says that the Respondent and Suren Bora requested the people to cast their votes in favour of the Congress, when one Someswar Saikia of that village stood up and complained that they had been voting for the Congress all along; the Congress people came only at the time of the election and made promises, but after the election, they were not to be seen. He further deposes that Someswar Saikia referred to the condition of the bridge of the village and said that it was in a damaged condition and that it could not be repaired for want of money. The witness further says that the Respondent then said that he had entrusted the task of repairing the bridge to Tepu Dutta who would do the needful. After the meeting was over, the witness further says, the Respondent, Suren Bora, Tepu Dutta, P.W.'s 20, 28, 39 and he himself went to the resident of Tepu Dutta where the Respondent paid Rs. 1500 to Tepu Dutta. He (Respondent) then told P.W.'s 27, 28 and 39 that as they had seen that the amount of Rs. 1500 had been paid to Tepu Dutta, he (Tepu Dutta) would soon repair the bridge, and requested them to work for him in the election and requested the villagers to cast their votes in his favour. Although in cross-examination he says that in the last election he did not work for the Petitioner, he admits that 'they', meaning himself, P.W. 28 and 29, supported the Janata Party. He also admits that he did not discuss with the people of the village as to whom the votes should be cast before the meeting. He also admits that he gave the information about the alleged payment of the money by the Respondent to the Petitioner, who took a note of the information on a piece of paper. He also admits in cross-examination that he and the other witnesses did not complain to anybody against the conduct of Tepu Dutta in accepting the amount of Rs. 1500 from the Respondent but in not completing the repair of the bridge. He further admits that although after the acceptance of the money Tepu Dutta did not complete the bridge, he did not intimate the Respondent that Tepu Dutta had not done the work. He says that some materials including cement were collected near the bridge and that the cement was originally deposited in the house on one Smt. Numali Bora. He does not know to what has happened with the cement.

P.W. 28-Rabin Tamuli corroborates P.W. 27. He says that next day he along with P.W. 27 and P.W. 39 visited the Janata Party office at Jorhat and reported the incident to the petitioner who was present there. P.W. 27 was in Government service since 11-3-77. He says that neither he nor P.W. 27, nor P.W. 29, worked for the Janata Party. He says, "We did not participate in any election work". He is contradicted by P.W.'s 27 and 39 who say that they worked for the Janata Party. Further the very conduct that on the day following the day of the aforesaid alleged incident, he along with P.W.'s 27 and 39 went to the Jorhat Janata Party office to give the information, shows that he had a bias in favour

of the Janata Party and hostility to the Congress Party. This inference is further fortified by his conduct that he collected the summons to depose in this case from the Janata Party office at Jorhat.

P.W. 39, Dhiren Saikia, is a student of the Jorhat Industrial Training Institute. He is a resident of Gajpuria village. He deposes that when the Respondent was paying the money to Tepu Dutta at the latter's residence, he and the other witnesses were standing at the door-way of the house. When the Respondent and his companions came out of the house, he saw him and the two other witnesses at the verandah and told them that he (Respondent) had paid Rs. 1500 to Tepu Dutta and that the bridge would be repaired soon. The witness also says that the cement was stored in the house of Smt. Numali Bora. Smt. Numali Bora has not been examined by the petitioner. He too admits that he visited the Jorhat Janata Party office on the 4th March, 1977, along with P.W.'s 27 and 28 to give the information. He also admits that Lakhi Tamuli, Debeswar Bora and Someswar Saikia were the leading people of the village and that they were present in the aforesaid meeting but Lakhi Tamuli, Debeswar Bora and Someswar Saikia who appear to be disinterested persons have not been examined by the Petitioner.

P.W. 39 did not report the above incident of payment of money to any of the leading people of the village during that night, nor did he complain that although Tepu Dutta had accepted Rs. 1500 from the Respondent, he had not completed the bridge.

On the top of all these, the petitioner during trial has departed from his case in the election petition. While his case in the petition was that the Respondent paid the amount for a culvert, the evidence, of whatever worth it is, is that the money was paid for the repair of a bridge.

Learned Counsel for the Respondent submits that the name of the Respondent was not mentioned in Ex. P/2; and the omission damages the Petitioner's case against the commission of any corrupt practice by the Respondent. Ex. P/2 is a copy of a complaint made in writing by the Petitioner at Delhi on 31-3-77 to the Chief Election Commissioner (C.E.C.) Ext. P/2 shows that the Petitioner alleged that the Congress candidate had won the election by committing a large number of corrupt practices. The submission is not correct. For, 'Congress candidate' meant the Respondent.

Shri J. P. Bhattacharjee, learned counsel for the Petitioner submits that the Respondent has not examined Suren Bora and Tepu Dutta, nor has he explained as to why he has not examined them. Although the Respondent's was a denial of the commission of the corrupt practice, he has examined R.W.'s 8 and 20 to support his denial, as stated earlier. The burden, prima facie, is upon the Petitioner to establish the corrupt practice by cogent evidence. He has not explained as to why disinterested witnesses like Lakhi Tamuli, Debeswar Bora and Someswar Saikia who were said to be present in the meeting and Smt. Numali Bora in whose house the cement is alleged to have been stored, have not been examined.

As a result of the foregoing discussion I hold that the Petitioner has failed to establish the allegation of the corrupt practice.

(ii) NA-ALI DHEKIAJULI KAHARGAON

In para 11 of the petition the Petitioner alleges that on 7-3-77, the Respondent accompanied by Sada Baruah, Deputy Chief Executive Councillor of the Jorhat Mahakuma Parishad, went to the above village and met Paresw Dutta of that village, requested the latter to vote for him and work for him in the village in the election so as to induce the other voters of the village to vote for him in the election and paid him Rs. 1000 for arranging a feast for entertaining the villagers. Paresw Dutta accepted the amount and arranged the feast on the following day and entertained the electors of the village in order to induce them to vote for the Respondent.

In his written statement the Respondent has admitted the visit to the said village with Sada Baruah but has denied the Petitioner's allegations that he went to Na-Ali Dhekiajuli Kahargaon, paid Rs. 1000 to Paresw Dutta to arrange a feast to entertain the villagers. He denies that any feast was arranged on 8-3-77 as alleged by the Petitioner.

In support of his allegation, the Petitioner has examined two witnesses—P.W. 9 Debeswar Dutta and P.W. 10—Dhiren

Dutta. While the Respondent has examined himself and P.W. 9 in rebuttal. They have denied the allegations.

P.W. 9 supports the petitioner's allegations. He deposes that on 7-3-77 at about 7 P.M. he was passing by the road when the Respondent and Sada Baruah visited the village by a car. The Respondent and Sada Baruah met Paresh Dutta and gave him Rs. 1000 and asked him to entertain the people of the village with a feast and to try to procure their votes for him. He further says that at that time, some workers of the 'Shramik Bahini' of the village were working on the road. Before departure, he further deposes, the Respondent spoke to the people of the 'Shramik Bahini' and told them that Rs. 1000 had been paid to Paresh Dutta for arranging a feast for them and requested them to cast their votes in his favour. He says that Paresh Dutta is the Secretary of the Village Sangha. The feast was held in the Sangha premises on the 8th March. He deposes that he saw the arrangement of the feast although he did not partake of it. He says that he saw the Respondent that evening for the first time and that it was P.W. 10 who introduced the Respondent to him, while P.W. 10 himself says that he (P.W. 10) "saw Tarun Gogoi for the first time that evening". Naturally, therefore, counsel for the Respondent submits, the question of introducing the Respondent by P.W. 10 to P.W. 9 is not possible. But when the visit to the village by the Respondent is admitted, the evidence of introduction becomes irrelevant. P.W. 9, however, did not inform anybody of the village about the payment of the amount of Rs. 1000 by the Respondent for the arrangement of a feast. He admits that he himself was invited to the feast by Paresh Dutta but he did not attend the same. He has given the date of the payment of the money to be 7th of March, but he does not remember the date on which he went to Jalukani to meet Dulal Baruah to give him the information. It is difficult to believe him when he says he remembers the precise date of the payment of money to be 7th of March while he does not remember the date of his visit to Jalukani.

P.W. 10 who is a cultivator, also supports the Petitioner's allegations. He says that he was going by the road along with P.W. 9 when by chance they saw the Respondent and Sada Baruah. After the payment of the money, he began to work with the other people of the 'Shramik Bahini'. According to him the workers of the 'Shramik Bahini' entrusted Paresh Dutta, Kamal Bora and Nirmal Konwar with the arrangement of the feast which was arranged on the following evening in the premises of the local Sangha and the residents of the village participated in the feast. He says that he was also invited to the feast but he did not attend it. He further says that two or three days after the incident he and P.W. 9 informed the matter to the Janata Party office at Jorhat and thereafter he informed the matter to Dulal Baruah when he met the latter in the election meeting at Jalukani. According to him he himself was one of the members of the 'Shramik Bahini'; the amount was paid to Paresh Dutta to the knowledge of the members of the 'Shramik Bahini' and that the members of the 'Shramik Bahini' entrusted Paresh Dutta, Kamal Bora and Nirmal Konwar to arrange the feast the next day. He did not object to the receipt of the money or to the arrangement of the feast. His conduct shows that he had his implied consent to the acceptance of the money and the arrangement of the feast and so it was expected that he would also participate in the feast if it was at all arranged; but he has given no reasons as to why he did not participate. He did not tell anybody of the village as to the undesirability of the acceptance of the money. He says that he had only casual talks with a few people here and there. Even after the feast, the people of the village did not decide in a body to vote for the Respondent or against him. It was expected that after the feast, at least the people who had participated in the feast would decide in a body whether to vote for the Respondent or not. The evidence of P.W.'s 9 and 10 is not worth acceptance. The petitioner has not explained as to why he has not examined disinterested witnesses like Binode Bhuyan, the village gaubara, and the village teachers like Golap Mahanta and Upen Kalita.

Learned Counsel for the Petitioner submits that the Respondent ought to have examined Paresh Dutta who was cited by him as a witness. In my opinion it was not necessary for the Respondent to examine him to support his denial. The Petitioner having failed to establish a prima facie case by believable evidence, the Respondent had nothing to rebut with the evidence of Paresh Dutta.

The allegation of the corrupt practice, in my opinion, is not established.

(iii) NAGAJANKA TEA ESTATE

In para 12 of the petition the Petitioner has alleged that on 16-3-77 at Nagajanka Tea Estate the Respondent with Gunaram Tanti, brother of Gajen Tanti, Labour Minister of Assam, was distributing money and wine through Chandra Tangla and Pelu Chetri, two of the workers and electors of the said Tea Estate. The purpose, according to the Petitioner, of distributing money and wine was to induce the voters to vote for the Respondent, it has further been alleged that while they were distributing money and wine, some of the Janata workers headed by Purnananda Gogoi arrived at the spot and caught them whereupon the Respondent and his companion fled the place.

The Respondent in his written statement has denied the allegation of the corrupt practice. He has averred that he did not visit Nagajanka Tea Estate at all during the period of election.

The Petitioner has examined P.W. 16, Purnanda Gogoi, P.W. 17, Chandra Tangla and P.W. 18, Pelu Chetri in support of his case, while the Respondent has examined himself and R.W., 7 Shri Gunaram Tanti, both of whom have denied the allegations.

P.W. 16, Purnananda Gogoi, is a High School Teacher. Admittedly he worked for the Janata Party in the election and was in-charge of the Nagajanka Tea Garden area. He says that he informed the Petitioner about the incident between 10 and 11 P.M. of the 18th when the latter visited the Tea Garden, but he admits that he did not inform any authority about the aforesaid incident, nor even did he inform Rafique Ahmed Bora, the Manager of the Tea Estate. In the circumstances it is difficult to place reliance on him.

P.W. 17, Chandra Tangla, is a cultivator and a resident of the Tea Estate. He is not a worker of the Tea Garden but he says that his mother and his younger brother are labourers of the Garden. He lives with his mother in a house belonging to the Tea Garden authority. He says that at the time of the occurrence two persons got down from a jeep; one of them was Gunaram Tanti but he did not know the other. Gunaram Tanti asked him to call the labourers from the labour line. He did. About 10 or 12 labourers came. Gunaram Tanti asked them to cast their votes by putting the stamp on the symbol of the 'Cow and the Calf' which was a symbol allotted to the Respondent. The Witness further says that Gunaram Tanti gave one jerrycan of liquor and an amount of Rs. 35 to them and asked them to consume the liquor and spend the money in buying cigarettes, biddis and the like and requested them to ask the other voters also to cast their votes on the symbol of 'cow and the calf'. At that time, he says, P.W. 16 scolded them for drinking liquor when Gunaram Tanti and his companion left the place. He further says that there were two or three other persons with P.W. 16 and that after the departure of P.W. 16, the people present there sat down and consumed the liquor. Of the amount of Rs. 35 he received, he says, he gave Rs. 15 to Pelu Chetri (P.W. 18) and he himself retained Rs. 20, but his amount was taken away by the youngsters and spent it in buying 'biddis', 'pakoras' and such other things.

P.W. 18, Pelu Chetri, is an ex-tea garden labourer of the Nagajanka Tea Garden. He admits that Nilakantha and Lakhindra Tanti are the leading persons of the labour line near the place of incident. But he says that they did not come to the place at the time, as they were not called. It has not been explained as to why these two persons were not invited to the place although they were admittedly leading persons of the labour line and could possibly influence the voters.

P.W.s, 17 and 18 claim to be Congress workers, which fact has been seriously challenged by the Respondent. It is difficult to believe that they were Congress workers. If they are Congress workers, it is difficult to see why they come to depose for the Janata candidate. If the Congress candidate could utilize them by giving them liquor and money, there is no guarantee that they could not be won over by the Janata candidate later by similar gifts to depose in his favour. I refuse to place reliance on their evidence, particularly when leading persons like Nilakanta and Lakhindra have not been examined.

In my opinion the Petitioner has failed to prove the allegation of the corrupt practice by any acceptable evidence.

(iv) DAKHIN BAHAT GAON

In para 13 of the petition, the Petitioner has alleged that on 7-3-77 the Respondent went to Dakhin Bahat Gaon and met on Bapti Bora of the village and requested him to vote for him and to work for him in the election. The Respondent paid him Rs. 1000 to arrange a feast for the residents of his village so as to induce the voters of the village to vote for him in the election. Bapti Bora accepted the money and arranged a feast on 18-3-77 and entertained the electors of the village.

The respondent in his written statement has denied the allegations. He stated that he did not go to Dakhin Bahat Gaon either on 7-3-77 or any other day, did not meet Bapti Bora and pay him the amount as alleged by the petitioner. According to him the incident alleged by the Petitioner is a figment of imagination.

The Petitioner did not examine any witness to substantiate the allegations. The only evidence on the point is the evidence of the Petitioner, which is hearsay. So the allegation of the corrupt practice remains unestablished. On the contrary the Respondent and R.W. 8 have denied the allegations of the Petitioner.

(v) BAGHMARIA PATIA GAON

The allegation in para 14 of the petition is that on 18-3-77 the Respondent went to Baghmardia Patia Gaon in Charigaon Mouza with Suren Bora, Headmaster of the Bahana Govt. Aided High School and met Dulal Dutta and Nabin Bora of the said village, requested them to vote for him and to work for him in the election and paid them Rs. 1000 to entertain the villagers in a feast. Dulal Dutta and Nabin Bora accepted the money and arranged a feast in the village and entertained the electors of the village.

The Respondent in his written statement has denied the allegations.

In support of his allegation, the Petitioner has examined P.W. 49, Rajan Dutta and P.W. 50, Tularam Bora, while the Respondent examining himself as R.W. 5 has denied the allegation. He deposes that during the period of election he did not visit that village at all.

P.W. 49, Rajan Dutta, is a teacher of the Bahana College. He deposes that on 18-3-77 at about 8 A.M. he went to Baghmardia Patia Gaon by bicycle. Near the 'Namghar' of Baghmardia Patia Gaon he saw the car of Suren Bora. Near the Namghar is the residence of Nabin Bora who is also a teacher of the local High School at Baghmardia. He went to his residence. When he was near the residence of Nabin Bora, he heard somebody saying, "Nabin, there is Rs. 1000, entertain the local voters with a feast with this amount tonight". The witness then entered into the room and saw the Respondent handing over a bundle of currency notes to Nabin Bora. With the Respondent and Nabin Bora, according to him, were Suren Bora and Dulal Dutta in the room. His further evidence is that he expected that the feast would be arranged with the amount that very night. So at night he visited Baghmardia by his car and saw that the feast was arranged near a 'Tin-Ali' of the village in the premises of a house there. In the feast he saw Dulal Dutta and Nabin Bora. Seeing his car, Nabin Bora came near the car and said that he had no time to talk although the witness did not invite him for a talk. He (the witness) then returned home. Next day he met Tularam Bora (P.W. 50) of Baghmardia Bahikhor village, who told him that in the previous evening the Congress had arranged a feast at Baghmardia. He (the witness) then told P.W. 50 that he had already known it. On the 18th, at about 2 P.M., he says, he went to Jorhat Janata Party office but curiously he did not tell anybody about the above incident. On the 19th also he visited the Jorhat Janata Party office and met several persons including Anil Baruah there but he did not report the above incident to them. He gives a reason for this.

He says the persons in the Party office were very busy. The explanation given is flimsy and not worthy of acceptance. He has further deposed that after visiting the feast, he straightway went home without informing anybody. Although he was an important office bearer of the Janata Party, admittedly he did not take any steps to counter-act

the effect of the feast, that is to say, to see that the voters did not cast their votes for the Congress after having been entertained with the feast by the Congress candidate. He further admits that one Budheswar Dutta, a teacher of the local L. P. School, is a leading man of the village, who did not work for any party in the election. The witness even did not inform him about the incident. His evidence is make-believe and inspires no confidence. He could not have visited the feast by his car at night for the mere fun of visiting it. No reliance can at all be placed on the evidence of this witness.

P.W. 50 is Tularam Bora. He also appears to be such witness of the feast. He says that he went to Baghmardia village at about 3.30 P.M. on the 18th and was returning from Baghmardia by bicycle at about 10 P.M. via Baghmardia Patigaon. He saw a group of people about to partake of the feast. In the feast he saw Nabin Bora, Dulal Dutta kneeling down before them and telling the participants that that was a feast offered by the Congress candidate. They requested the participants to bring out all the voters the next day and have them cast their votes in favour of the Congress candidate. The witness then proceeded home. He further deposes that next morning he had been to the residence of P.W. 49 and told him about the feast. In cross-examination he says that on the 18th, on his way to the local polling booth to cast his vote, he by chance saw P.W. 49 at his gate-way and reported the incident to him. He says he did not visit P.W. 49 with the set purpose of reporting to him the incident. He admits that he did not report the matter to anybody of the village. Admittedly from Baghmardia his home is nearer via Bhuyansuk than via Baghmardia Patigaon. He did not appear to have any business to return home via Baghmardia Patigaon. It is also difficult to believe that he had visited Bahana on the 18th afternoon merely to meet his Chowkidar and wait till about 10 P.M. His evidence is not worthy of credit.

Learned Counsel for the Petitioner submits that the Respondent has not explained as to why he did not examine Suren Bora and Nabin Bora both of whom were cited by him as witnesses. In my opinion the Petitioner has failed to prove, even prima facie, the allegation of the corrupt practice, and as such no evidence in rebuttal was necessary. In my opinion the Petitioner has failed to prove the allegation of corrupt practice.

(vi) DHOWAPUKHURI

In para 15, the Petitioner has alleged that on 18-3-1977 the Respondent accompanied by Suren Bora and Loknath Bora, President of Charigaon Gaon Panchayat, met Abani Sarma of the aforesaid village and paid him Rs. 1500 at the residence of Mahendra Sarma so that Abani Sarma and the members of the village Club known as 'Trimurti Club' might induce the voters of the village to cast their votes for the Respondent in the election. It has further been alleged that Ram Kumar Baruah, Principal of the Bahana College, came to the residence of Mahendra Sarma and saw the payment of the money.

The Respondent in the written statement has denied the allegations as entirely false. He has averred that he never visited Dhowapukhuri on 18-3-1977 as alleged or at any other time on the eve of the election.

The Petitioner has examined P.W. 57, Mahendra Sarma and P.W. 58, Satyen Kataki, in support of his allegations. P.W. 57 deposes that on 18th of March at about 8 A.M. the Respondent, Loknath Bora and Suren Bora visited his residence to discuss some election matters with him. They sought his advice as to how to secure the votes of Dhowapukhuri and the neighbouring villages for the Congress. He told them that it was difficult to know the minds of the people and expressed his inability to do anything in that regard as he was a Government servant and particularly when the Emergency was in operation. The visitors, however, sent for Abani Sarma, the Secretary of the Trimurti Club, who came and on enquiry said that the Congress position was not satisfactory, whereupon the Respondent paid Abani Sarma Rs. 1500 and asked him to spend the money in order to bring out the voters of the village and have them cast their votes in his favour. They then left his residence. He further says that P.W. 58, Satyen Kataki,

visited his residence at that time and saw the payment of the money. He further deposes that that very day Ram Kumar Baruah visited his residence about half an hour after the departure of the Respondent and his companions. He says that he reported the incident to Ram Kumar Baruah. He further says that he also reported the matter to the Petitioner a few days after the date of Poll at Jorhat where he accidentally met him.

This witness at the relevant time was a Government servant. In cross-examination he admits that a sum of Rs. 5,563 was recovered from his pay at the rate of Rs. 80 per month although he has denied the suggestion that he had defalcated the above amount. In the earlier elections, he says, he "did not actively work for any political party or for any independent candidate", implying thereby that he had worked for one party or another though not actively, although he was a Government servant. Although he was a Government servant and an educated man, he did not report the above incident of payment of money by the Respondent to Abani Sarma even to Binit Bora, Headmaster of the Hatigarh M. E. School, whom he met after a few days of the incident. He says he reported the matter to none, except to Ram Kumar Baruah, who, however, has not been examined by the Petitioner, although the Petitioner in his election petition specifically stated that Ram Kumar Baruah himself saw the payment of the money. Although Satyen Kataki (P.W. 58), who, according to P.W. 57, himself saw the payment of the money, he deposes that he did not report to the Petitioner that Satyen Kataki also visited his home at the time of the payment of the money. Although Ram Kumar's name has been mentioned as a witness of the incident in the election petition, the names of P.W.'s 57 and 58 do not find place in it. P.W. 57 appears to be a man of doubtful integrity. In the circumstances no reliance can be placed on his evidence.

P.W. 58, Satyen Kataki is a resident of Charigaon near Dhowapukhuri. He is a Government servant as well as student. He attends his office in the Agriculture Department at Jorhat from his home. He deposes that on the 18th he visited the residence of P.W. 57 in order to give him a 'Khol' ('Mridanga'). In the drawing room of P.W. 57, he saw the Respondent, Loknath Bora and Suren Bora and saw the Respondent paying Rs. 1500 to Abani Sarma. He says that the Respondent asked Abani Sarma to spend a part of the amount for the Club and its office bearers and distribute the balance amongst the villagers and work in such a way that he gets all the votes of the villagers cast in his favour. The witness then says that when the transaction was going on in the drawing room, he went inside in order to hand over the 'Khol' to P.W. 57. On return to the drawing room, he found that the respondent had already left, but he met Abani Sarma, who told him that the Respondent had paid him Rs. 1500. The witness then scolded Abani Sarma for accepting the money for votes. He further deposes that he went to the residence of Ram Kumar Baruah and reported the matter to him. This evidence of P.W. 58 completely belies the Petitioner's cast in the election petition that the amount was paid in presence of Ram Kumar Baruah. P.W. 58 appears to be intimate with the Petitioner whom he addresses as—"Dulal Da". He says he gave the information to Binit Bora, who is an educated man of the village but Binit Bora has not been examined by the Petitioner, although Binit Bora was a disinterested person. He admits that Ranjit Sarma, son of P. W. 57, was his friend, even then he did not choose to tell him about the above incident. He says in cross-examination that he received the summons from this Court as a witness two or three days before the date of the deposition but he does not know the date on which he was asked in the summons to appear before this Court. He even did not pursue the summons to know the date for appearance in the Court. This conduct of his clearly shows that he has come to depose in this Court at the call of the Petitioner.

The Respondent has examined himself and R.W. 20 Shri Loknath Bora. Both of them have denied to have visited Dhowapukhuri during the period of election.

On a consideration of the facts and circumstances, it must be held that the allegation of corrupt practice has not been established. Learned Counsel for the Petitioner at the time of argument has expressly admitted that there is no adequate evidence to prove the allegation of the corrupt practice. In my opinion the allegation is concocted.

(vii) TIMTIMIA VILLAGE

In paragraph 16, the Petitioner alleges that on 7-3-77 the Respondent accompanied by Sada Baruah went to Timtimia village in Charaibahi Mouza, met Thaneswar Saikia of the said village, paid him Rs. 1000 for arranging a feast to entertain the voters of the village so that they might vote for him (the Respondent). Accordingly a feast was arranged on 18-3-77 and the electors of the village were entertained.

The Respondent has denied the allegations of the Petitioner.

The Petitioner has not adduced any evidence to prove the corrupt practice. The only evidence is that of the Petitioner himself who merely received the information.

The allegation of this corrupt practice is unestablished.

(viii) HATIGARH

The Petitioner has alleged in para 1 that on 17-3-77 the Respondent accompanied by Ceni Chandra Goswami Mani Seal and Koka Kurmi of Cinamara Tea Estate distributed money and wine among the workers of the Tea Estate, Pona Tanti saw the payment of the money and protested. An altercation took place between him and the Respondent. At this time Dineswar Tasa arrived at the spot and immediately thereafter the Respondent and his companions left the place.

The Respondent in his written statement has denied the allegations as false and baseless.—The Respondent avers that there are about 50 mauzas in the Parliamentary Constituency and the above instances of alleged bribery are confined to only two mauzas from where the Petitioner is the sitting M.L.A. and that the Petitioner has fabricated the alleged instances of bribery with the assistance of his workers and supporters.

In support of his allegations, the Petitioner has examined two witnesses, P.W. 11, Dineswar Tasa, and P.W. 38, Pona Tanti.

P.W. 11 deposes that on 17-3-77 at about 9 P.M. he was in his shop playing 'chess' with one Mahendra Dutta. At that time he heard some noise outside. A boy, Biswanath Koot by name, came to him and told him that he was sent for by P. W. 38. He then left for the place. Arriving at the place, he saw the Respondent with Ceni Chandra Goswami, Koka Kurmi and Mani Seal. P. W. 38 told him that 'these gentlemen' meaning Ceni Goswami, Koka Kurmi and Mani Seal (R. W. 12) were distributing money and wine among the labourers in order to get votes. The witness then told the Respondent that it was not proper on the part of a man like him to distribute money and wine for votes. The Respondent then took leave of him with folded hands and left the place. He saw three jerrycans and two bottles of wine nearby. P. W. 38 told him that the Respondent had offered him money and wine and that he threw back the money at the Respondent. The witness further says that the money was lying scattered on the ground and he picked it up, counted it and found Rs. 47. At the place he saw about 10 people all of whom were labourers of the garden. Ceni Goswami is a Mohurric of the Cinamara Tea Estate. Mani Seal (R.W. 12) was a worker in the garden factory and Koka Kurmi was a tea garden labourer and Secretary of the Chah Mazdoor Sangha of the garden.

In cross-examination P. W. 11 admits that he was a member of the Congress for two years from 1968 to 1969 and that he joined the Janata Party after the election, on August 1, 1977. He has admitted that he issued a Press Statement making some allegations against Gunaram Tanti, brother of Gajen Tanti, a Minister of Assam. He has also admitted that his name was considered as a candidate by the Janata Party in the last bye-election to the Rajya Sabha. He does not deny that he is now a permanent invitee to the Executive Committee of the Assam Janata Party. Admittedly in the election he was an active worker of the Janata Party and was in charge of the Jorhat Sub-Division part of the Constituency, and was particularly put in charge of the Hatigarh Tea Estate on behalf of the Janata Party. He did not discuss with the workers of the Janata Party as to what measure they should take against the distribution of wine and money in the tea gardens by the Congress Party. He being an active worker of the Janata Party in the election and being in charge of the Jorhat Sub-Division Part

of the Constituency, particularly being in charge of the Hatigarh Division, he is a highly interested witness. The Respondent's suggestion that he was deposing falsely alleging corrupt practice in order to cover his deficiency as his candidate was defeated, cannot be ruled out, for, as admitted by the witness himself, he was playing 'chess' instead of doing electionwork for the Janata Party.

P.W. 38, Pona Tanti is a chance witness. He saw the occurrence, according to him, while he and Kanakesar were on their way from Matun Line. In cross-examination he has admitted that he has not informed anybody about the incident except the Petitioner. He saw police vehicle in the garden on the 18th evening, but he did not report the incident to the police. Admittedly he visited the Jorhat Janata Party office and with P.W. 11 visited the residence of the Petitioner, whom he knows for about 10 or 12 years. It appears that he is friendly with P.W. 11 and under his influence. He is also an interested witness.

The Respondent has examined himself and R. W. 12 Maniram Seal. The Respondent in his evidence has denied any visit to Hatigarh. R. W. 12 is, however, silent on the point. Learned counsel for the Petitioner submits that the silence of R. W. 12 means that he does not corroborate the denial of the Respondent. In my opinion his silence is an accidental omission and is not fatal to the Respondent's denial, nor does it lend support to the Petitioner's allegation of corrupt practices.

The evidence of P.W.'s 11 and 38 cannot be accepted not only on the ground that they are partisan witnesses, are serious discrepancies but there between the Petitioner's allegation in the election petition and his case during trial. Whereas in the election petition his allegation was that it was the Respondent who distributed money and wine to the workers; Ceni Goswami, Koka Kurmi and R. W. 12 merely accompanied him to Hatigarh; during trial his case is that the Respondent and his three companions distributed "money and wine". P. W. 11 is not an eye witness. He was so told by P. W. 38. P. W. 11 was further told by P. W. 38 that the latter had been offered money and wine by the Respondent. P. W. 38 deposes that it was Ceni Goswami who asked him to take three jerrycans and two bottles of liquor. The allegation in the election petition is that "money and wine" were "distributed" "to the workers"; during trial the evidence of P. W. 38 (who is the only eye witness) is that jerrycans and bottles of wine and money were offered to him. On account of these vital discrepancies I cannot place any reliance on the evidence of P.W.'s 11 and 38. The Petitioner has failed to establish the allegation of the corrupt practice.

(ix) KENDUGURI (NEAR JORHAT)

The allegation of the Petitioner in para 25 of the petition is that on 8-3-77 the Respondent along with Suren Bora, Headmaster of Bahana Government Aided High School and Rupeswar Hazarika, Headmaster of Reba Kanta Baruah Gaon Panchayat, went to the residence of Indreswar Baruah High School and Golok Bora, President, Dakhin Chairgaon of Kenduguri and offered him Rs. 300 for the purpose of inducing the voters of the area to cast their votes in his (Respondent's) favour. But Shri Indreswar Baruah declined to accept the same.

The Respondent in his written statement has denied the allegation of the corrupt practice. He avers that he visited the Kenduguri area once or twice during election but never visited the residence of Indreswar Baruah, and offered money as alleged.

The petitioner has not examined any witness in support of his allegation of the corrupt practice. The only evidence on the point is the evidence of the Petitioner who had no personal knowledge of the said incident.

The allegation of the corrupt practice is not proved.

(x) MAUTGAON

The allegation of the Petitioner in paragraph 26 of the petition is that the Respondent with Suren Bora and Loknath Bora (R. W. 20) visited Mautgaon on 27-2-77 in connection with his election campaign and met Anil Dutta and Dhanai Dutta, members of the Mautgaon Yuvak Sangha and paid them Rs. 300 in cash on the promise and understanding that the members of the Sangha would

vote for him and also would induce the other voters of the village to cast their votes in favour of the Respondent. It is further alleged that the Respondent further promised that he would pay them Rs. 1000 more in cash and give them 22 jerseys, if the members of the Sangha voted for him and induced the other voters of the village to cast their votes in his favour.

The Respondent in his written statement has admitted that he visited Mautgaon on 27-2-77 for his election work. But he stoutly denies that he met Anil Dutta and Dhanai Dutta, aforesaid, and paid them Rs. 300 and further promised to pay Rs. 1000 and give 22 jerseys to the members of the Yuvak Sangha.

The Petitioner in support of his allegations has examined two witnesses, P. W. 22-Dambarudhar Gogoi and P.W. 23-Dubai Dutta.

P. W. 22, Dambarudhar Gogoi deposes that on 15th of Falgun at about 3.00 or 3.30 P.M., the Respondent with Suren Bora and R. W. 20 visited their village by a car, and sent for Deben Gogoi and Anil Dutta, who came to them. The three visitors and the two boys, aforesaid, entered the premises of the office of the Sangha. Seeing them, the other boys who were playing football in the field nearby, also came and gathered there. He further says that Anil Dutta demanded money if the Respondent wanted the members of the Yuvak Sangha to work for him. The Respondent then paid him Rs. 300 and asked him to work for him and to try to secure the votes of the area in his favour. The witness further says that the Respondent further promised that he would pay Rs. 1000 more and give them a football and 22 jerseys in case they worked for him. This witness has made a new allegation, namely, the promise by the Respondent to give a football to the members of the Yuvak Sangha, which is not the Petitioner's case in the election petition.

In cross-examination the witness says that most of the people of his village, and the members of the Yuvak Sangha supported the Congress. He further says that he himself was a supporter of the Congress but he is no longer its supporter since after the last election, "when I saw offering of money and commission of other corruptions by the Congress Party." He admits that in the 1972 election also the said Yuvak Sangha worked for the Congress but he does not say that in 1972 also the members of the Yuvak Sangha were bribed by the Congress. He says that he did not work for the Petitioner in the election in question but his evidence is belief by the evidence of P.W. 23 who says, "P.W. 22 Dambarudhar Gogoi also helped Sri Dulal Baruah in the last Parliamentary Election". "This witness (P. W. 22) therefore is unreliable. While P. W. 22 has deposed that the transaction of the payment of the amount of Rs. 300 took place in the premises of the Club House, P. W. 23 says that the Respondent, and his two companions along with P. W. 22 entered the Club House where the Respondent put the amount of Rs. 300 on the table. The witness says that he protested against the taking of the money by the boys on the spot in presence of Bhadram Dutta, Dhanai Dutta, Bapuram Gogoi and Bhadi Dutta and said that he would report the matter to the Respondent for necessary action. He says that the above-mentioned persons also joined him in the protest. But Bhadram, Dhanai, Bapuram and Bhadi have not been examined and the petitioner has not given reasons for omitting to examine them. In cross-examination P. W. 23 says, "although we did not originally help Shri Dulal Baruah in his election, after seeing corruptions in the last Parliamentary election we started helping Shri Dulal Baruah", admitting that he was one of the zealous supporters of the Respondent. In the circumstances no reliance can be placed on the evidence of this witness also.

In view of the discrepancies in the evidence of P.W.s 22 and 23, no reliance can be placed on them.

The Respondent has examined himself and R.W. 20. Loknath Bora in rebuttal. Both of them have admitted to have visited Mautgaon on February 27 and requested people in the village Namghar to cast their votes for Tarun Gogoi; but they have denied to have paid, or promised to pay, any money or to give jerseys to them, on a consideration of the entire evidence, I hold that the Petitioner has failed to establish the allegation of corrupt practice by any cogent evidence.

13. The Petitioner has alleged that Shri Bijoy Handique, Election Agent of the Respondent, committed corrupt practices within the meaning of Section 123(1) of the Act at the two places named below.

(i) CINAMARA :

The Petitioner has alleged in para 27 of the petition that in the Cinamara Tea Estate on 17th and 18th of March, Shri Bijoy Krishna Handique along with Ceni Goswami and Mani Seal (R. W. 12) distributed wine and money among the workers of the Tea Estate through Koka Kurmi, Fagnu Jatap and Bharat who are the residents of that the estate. He has further mentioned in the petition that Manglu Tanti Fagnu Jatap, Prema Goswami, Jagadish Bora, Dr. Prabir Baruah, who are also the residents of the Tea Estate, saw the incident. It has been alleged that the distribution of wine and money was for the purpose of inducing the voters to cast their votes for the Respondent.

The Respondent denies the commission of the corrupt practice as alleged by the Petitioner. He admits that Shri Bijoy Handique visited Cinamara Tea Estate but denied that he with Ceni Goswami and Mani Seal distributed money and wine among the workers of the Tea Estate as alleged by the Petitioner.

In support of his allegations, the Petitioner has examined four witnesses, P.W. 53-Jagdish Bora, P.W. 54-Dr. Prabir Baruah, P.W. 55-Prema Goswami and P.W. 56, Fagnoo Jatap.

P.W. 53 is admittedly a worker of the Janata Party. He is a resident of Chotadhara, Jorhat. He says he is a voter of the Xoliabor H. P. Constituency-2. He voted and worked in that Constituency. The poll in that Constituency having taken place earlier, he proceeded to work in the Jorhat Constituency. He says that on the 17th March he went to the Jorhat Janata Party office at about 5.30 p.m. and therefrom he proceeded to Cinemara Janata Party Election office. He deposes that he was talking with some workers in the Janata Party office at Cinemara Tea Estate in the evening when he saw an Ambassador car speedily pass by the side of their Party Office and stop near a 'ghoomti' at a small distance. Four or five persons got down from the car. He proceeded towards the car and saw Mani Seal (R.W. 12), Bijoy Handique and Ceni Goswami among them. The Congress office was near the 'ghoomti'. He further deposed that the Congress office about 5 or 6 boys came out towards R. W. 12 who told them that the poll was near at hand and that he had got 'something' for them. They were to work hard for these two days and got the votes polled in favour of the Congress. R.W. 12 then signalled the boys to bring out the "thing" from the car whereupon some bottles of liquor were brought out from the car and were given to the boys. He further told the boys that Bijoy Handique (R.W. 6) was also with him and that they would visit the place again the next evening at the same time, and left the place. The witness then returned to the Janata Party office and reported the matter to P.W. 55 who was there and then left for home. Next evening also, he says, he visited the place in connection with his work when the same Ambassador car visited the Congress office. About 100 labourers had already gathered there. He got himself in the midst of the group of the labourers. The occupants of the car came out. Amongst them he recognised R.W. 12 and R.W. 6. R.W. 12 then handed over a jerrycan of liquor to the labourers present and asked them to cast their votes in favour of the Congress candidate. The labourers started drinking the liquor then and there. He then left the place and returned to the Janata Party office where he reported the matter to the other workers of the Party.

This witness appears to be an active and zealous worker of the Janata Party and is highly interested. Although after the poll in the Kaliabor Parliamentary Constituency, he came to the Jorhat Constituency and was detailed to Cinamara for work, except by chance witnessing the above alleged incident he appears to have done nothing at all for the Janata Party. He inspires no confidence. He appears to be a concocted witness.

P.W. 54, Dr. Prabir Baruah is a private medical practitioner and resident of Cinamara Tea Estate. He deposes that on the 17th March at about 7 p.m. near Bharat Jatap's 'pan-shop' he saw R.W.'s 6 and 12 standing and talking about election. R.W. 12 was telling R.W. 6 that the people were

demanding money for votes. R.W. 6 then brought out a bundle of currency notes from his bag and handed it over to R.W. 12, telling him to distribute the money among the people, particularly emphasizing that more money should be paid to those voters who appeared to be hostile to the Congress. He has not said what amount was paid by R.W. 6 to R.W. 12. After the incident, he says, he proceeded to the Janata Party office where he met P.W. 55 to whom he reported the above incident.

He further deposed that hearing some noise outside, he came out of his residence on the 18th also went towards the Congress office and saw the same Ambassador car park at the same place as in the previous evening. Near the car he saw Ceni Goswami, Koka Kurmi and R.W.'s 6 and 12. He further deposed that R.W. 6 and his companions were bringing out bottles of liquor from the car and distributing them amongst the mazdoors who had gathered there. After seeing the incident he went to the Janata Party Office and met P.W. 55 and reported the incident to him. He further says that that very evening he went to the Jorhat Janata Party Office, searched for the Petitioner and Anil Baruah, Advocate but he did not find them there. He then went to his Jorhat home. On the 21st March, he met the Petitioner in the Jorhat Janata Party Election office and reported to him the incidents that had taken place on the 17th and 18th.

In cross-examination he admits that he had his moral support for the Janata Party. But from his conduct that on both the occasions after seeing the alleged incidents, he immediately went to the Janata Party Office at Cinamara and reported them to P.W. 55, instead of immediately reported them to his neighbours—K. C. Mukherjee, Dr. H. K. Baruah, Tankeswar Dutta, N. K. Mahanta and Balin Sarma, who are admittedly leading persons, shows that he had not only his moral support to the Janata Party, but was its zealous supporter. He says he later on reported both the incidents to K. C. Mukherjee, S. K. Mahanta and Tankeswar Dutta. But they have not been examined by the Petitioner for reasons known to himself. The reason given by the witness for not informing the neighbours before he proceeded to the Janata Party office is that he did not expect them at their residences as at that time they used to go to the Staff Club. He says that he visited the staff Club but nobody had arrived there and so he proceeded to the Janata Party office. This evidence of his is believed by P.W. 55, who says that the Janata Party office was located at the Staff Club itself. P.W. 54 does not appear to have respect for truth and as such no reliance can be placed on his evidence.

P.W. 56, Fagnoo Jatap, says that he resented the distribution of wine and money amongst the workers in order to get votes, so much so that he became angry and left the place and went to the residence of P.W. 55 and reported the incident to him. In cross-examination he says that he does not know who his M.L.A. is. He cast his votes in earlier elections also but he does not know who were the candidates in those elections also. He also does not know the candidates in this election. He says that it was R.W. 12 who knew all these as he was then leader. This clearly shows that this witness has no personality of his own at all and could be easily handled not only by R.W. 12 but also by P. W. 55, after he and R. W. 12 fell out on account of his refusal to oblige R.W. 12 by voting for the Congress. P.W. 56 further says that he did not know for which Party P.W. 55 worked in the election in question. If that be so, there was no reason for him to go to the residence of P.W. 55 on both the occasions and report to him the incidents of bribery by the Congress. He chose to report the incidents to R.W. 55 rather than reporting them to his neighbours, Saikia Babu, Kartar Singh, Ceni Goswami Gopal Babu and Deb Babu or anybody else. In the circumstances no reliance can be placed on the evidence of this witness either.

P.W. 55-Prema Goswami is an Assistant Garden Mohurrir of Cinamara Tea Estate. During the election he was admittedly the Office Secretary of the Janata Party Election office at Cinamara Tea Estate. He is not an eye witness of the occurrence. He merely deposed that he received the information from P.W.'s 54 and 56. He says that after receiving the informations he went to a nearby Marwari shop wherefrom he telephoned the Jorhat Janata Party Office and the residence of the Petitioner at Jorhat giving the information. No documents have been proved by the Petitioner to show that these two telephone calls were actually made by P.W. 55. In cross-examination he admits that his relation

with the labourers is fairly good and that he knows almost all the labourers and has control over them. He also admits that he met several members of the Staff. If the distribution of wine and money as alleged by the Petitioner be true, there was no reason as to why the neighbouring persons, Tankeswar Saikia, K. C. Mukherjee, Tankeswar Dutta, Bholanath Dutta, who were the members of the Staff, would not have known the incident, and if they knew then there was no reason as to why none of them has been examined by the Petitioner.

The Respondent has examined himself his election agent (R.W. 6) and Mani Seal (R.W. 12). They have denied the Petitioner's allegations. They have admitted that R.W. 6, Bijoy Handique visited Cinamara on March 17 at about 3 p.m. and also on March 18 at about 9 p.m., but they deny the distribution of money and liquor among the garden workers.

Learned Counsel for the Petitioner submits that the Respondent ought to have examined Ceni Goswami and Koka Kurmi; and as he has not, the evidence of the P.W.'s on the point remains un rebutted. But as I have disbelieved the evidence of the P.W.'s on the point, in my opinion it was not necessary for the Respondent to examine Ceni Goswami and Koka Kurmi.

On a consideration of the entire evidence, I hold that the allegation of the corrupt practice has not been established.

(ii) MOORMURIA TEA ESTATE

The Petitioner in paragraph 28 of his petition has alleged that on 17th and 18th of March, Bijoy Handique along with Prof. Nirmal Goswami and Moni Seal distributed money and wine among the voters of Labour line No. 28 known as Sawrabasti of the Moormuria Tea Estate through Jatilal Bhumij and Lomdhar Tanti of the said Tea Estate. He has further mentioned in the petition that Khandowa Bhumij, Rajat Dutta, Muhi Gegoi and Indra Bharali saw the incident. Of them, he has examined Rajat Dutta (P.W. 20) and Indra Bharali (P.W. 21) in support of the allegation.

The Respondent in his written statement has denied the allegation of the corrupt practice and states that the entire allegation is "a fragment of imagination of the Petitioner".

Both P.W.s 20 and 21 admittedly worked for the Janata Party in the election in the Moormuria Tea Estate. So they are interested witnesses. P.W. 21 further admits that he worked for the Petitioner in his 1972 Assembly Election also. He says that although he and the other workers were patrolling in the tea garden to prevent the distribution of liquor among the workers of the garden by the Congress Party, they did not take any steps to see that the labour voters did not cast their votes in favour of the Congress.

The Respondent has examined R.W. 6, Shri B. K. Handique, who has denied the allegations.

Shri Bhattacharjee submits that although Lambodar Tanti and Jyotilal Bhumiz were cited as witnesses by the Respondent, they were not examined. It was P.W. 21 who deposed and not the Respondent's case, that at the time of the alleged distribution of liquor, Lambodar Tanti, Jyotilal and Bahadur Tanti, amongst others were present. P.W. 21 has deposed that it was Lambodar who distributed the bottles of liquor. If that be so, Lambodar and Jyotilal ought to have been examined by the Petitioner to prove the allegation. The Petitioner has failed to discharge his initial burden of establishing the allegation. It was therefore not necessary for the Respondent to examine Lambodar and Jyotilal.

13-A. Submitting on the non-examination by the Respondent of Lambodar and Jyotilal, aforesaid, of Paresb Dutta in connection with the Na Ali Dekiajuli incident, of Suren Bora and Nabin Bora in connection with the Baghmoria Patiagaon incident, and of Ceni Goswami and Koka Kurmi in connection with the Cinamara incident, learned Counsel for the Petitioner took strong reliance on the decision of the Supreme Court in Chenna Reddy's case reported in XL E.L.R. 390. In that case the election petitioner proved that a dinner was hosted by the supporters of the Respondent. A letter of invitation had been issued by Adam Khan to a large number of persons to attend the dinner at the conclusion whereof a leaflet by way of an appeal to the

Muslim electorates to cast their votes in favour of the appellant (Chenna Reddy) and against the first Respondent on the ground of religion, was distributed among the persons who were present. Speeches were also alleged to have been made by Adam Khan, amongst other, in contravention of Section 123 of the Act. The invitation letter was proved as Ext. A/85 and the leaflet was proved as Ext. A/86, which purported to have been issued under the signatures of Adam Khan and Lathif both of whom worked for the appellant in the election. No suggestion was even made that the leaflet was a forgery. Neither Adam Khan, nor Lathif Ali, was examined to show that although there was dinner party there were no speeches of the kind attributed to Adam Khan, nor was there any distribution of leaflets of which they were imputed to be the authors. Adam Khan, Lathif Ali, Mahaboob Ali and Ibrahim Pahilvan were cited as witnesses by the appellant. It was held on the basis of Exts. A/86 and A/87 as well as oral evidence, that the corrupt practice was established. To get out of it, the appellant had to adduce evidence in rebuttal by examining Adam Khan and Lathif. Their non-examination by the appellant was held to be fatal, as it left the Petitioner's evidence in tact.

Chenna Reddy's case has no application to the facts of the present case.

I find, in connection with the incidents, inter alia, at Nam Jamuguri, Baghmoria Patiagaon, Cinamara as well as Moormuria that the Petitioner has failed to discharge his initial burden of establishing the allegations of corrupt practices; As such no inference can be drawn against the Respondent from the non-examination of the above-named persons.

14. In connection with the allegations of corrupt practices against Bijoy Handique, Ext. P/2, which is a copy of the Petitioner's petition to C.E.C. assumes significance. Whereas in Ext. P/2 the Petitioner has mentioned the names of Hitesar Saikia and Gajen Tanti as well as the Respondent as committing corrupt practices in the election, the name of Bijoy Handique has not been mentioned. The Petitioner has not explained the omission. The implication of Bijoy Handique in corrupt practices mentioned above, therefore, appears to be an after-thought.

15. The Petitioner has alleged that Shri D. K. Barooah, the then Congress President, committed, together with the Respondent, at the following places, corrupt practices within the meaning of Section 123(3A) of the Act. The allegations have been made in paras 18 and 19 of his petition. I shall now deal with them.

(i) SUBRGAR BOARDING FIELD

In paragraph 18 of the election petition, the Petitioner alleges that on 9-3-1977, a Congress election meeting was held in the Boarding Field in the Sibsagar Town. That meeting was addressed by Shri Dev Kanta Barooah, the then President of the Indian National Congress, and the Respondent. It has been alleged by the Petitioner that Shri D. K. Barooah said in the meeting that if the Janata Party was voted to power, it would establish a Hindu Raj and harass the Muslims of India as one of its constituents, namely, the Jana Sangh, was an anti-Muslim and preached Hindu communalism; and he therefore, appealed to the Muslim voters to cast their votes in favour of the Congress candidate and against the Janata party candidate. It has further been alleged that the meeting, Shri Barooah further said that the Respondent belonged to the Ahom community and the Brahmins and the other caste Hindus were trying to oust him. He, therefore, appealed to the voters of the Ahom community to vote for the Respondent on the ground of his community. It has been alleged that the speech of Shri Barooah was calculated to promote the feelings of enmity and hatred between different classes of the citizens of India on the ground of religion and community and for furthering the prospects of the election of the Respondent and for prejudicially affecting the election of the Petitioner.

It has been further alleged that after Shri Barooah, the Respondent addressed the meeting and reiterated what had been said by Shri Barooah.

The Respondent in his written statement has admitted that on 9-3-1977, a Congress election meeting was held in

the Boarding Field at Sibsagar and that Shri D. K. Barooah and the Respondent attended the meeting and that Shri Barooah addressed the meeting. The Respondent stoutly denies the speech attributed to Shri D. K. Barooah. The Respondent avers that Shri Barooah did not appeal either to the Muslims or to the Ahoms on the ground of religion to cast their votes in favour of the Congress candidate as alleged by the Petitioner. It has been stated by the Respondent that the Sibsagar town as well as Sibsagar (L.A.) Constituency is predominantly inhabited by the people of the majority community and any appeal to the minority communities on communal line would have tremendous adverse effect to the Respondent, particularly in a conscious place like Sibsagar. The Respondent avers that the purport of Shri Barooah's speech was that since the days of Mahatma Gandhi, the Congress had always been having a secular approach to body politics in India and that all religious communities had been given equal rights and status.

The Petitioner has examined two witnesses in support of his allegation; they are P.W. 59, Shri Tarini Sarma and P.W. 60, Shri Suresh Phukan.

P.W. 59, Shri Tarini Sarma is an Advocate of the Sibsagar Bar. He was the Joint Secretary of the Ad-hoc committee of the Janata Party at Sibsagar, which functioned as the Election Committee for the Party during the election. He says that Shri D. K. Barooah first dwelt on the 20 Point Programme of the then Prime Minister, then he recalled what benefits the Muslims were getting under the Congress rule and thereafter he spoke about the Janata Party. Lastly, according to the witness, Barooah said that one of the constituents of the Janata Party was the Jana Sangh; the R.S.S. was one of its wings; if the Janata Party came to power, there would be Hindu Raj in India, and in that case the Muslims would lose the benefits they were getting under the Congress rule, as Jana Sangha was trying to establish Hindu Raj in India. He further deposes that Barooah said that the Congress set up a young man of the Ahom Community as the Congress candidate. The Ahoms had past traditions in the District of Sibsagar and to preserve those traditions, particularly the Ahoms should vote for the Respondent.

The witness is a Ward Commissioner of the Sibsagar Municipality. He says in cross-examination that the total population of the Sibsagar town would be about 29,000 of which Muslims would be about 20 per cent, Ahoms about 20 per cent, Labour about 10 per cent and the rest of different communities including caste Hindus. He has admitted that during the last 10 or 12 years all the Chairman of the Sibsagar Municipality had been cast Hindus except for a short period of 2 years during which a Muslim became the Chairman. He admits that there had been no Ahom Chairman of the Sibsagar Municipality. He has also admitted that there is a tradition of communal harmony in the Sibsagar town. He says that Shri Amulya Baruah, another Advocate, submitted a written report of the speech of Shri D. K. Barooah to the Petitioner. But neither Shri Amulya Baruah has been examined by the Petitioner, nor the alleged report proved. Although according to him, Barooah delivered a communal speech and he (witness) was a Reporter of the Assam Tribune, he did not send any report of the speech to the Assam Tribune for publication. Some of the prominent persons who, according to the witness, attended the meeting, were Jarshed Ali, a Muslim and Munir Borgobai, an Ahom, who also was a Municipal Commissioner, but they have not been examined by the Petitioner. The witness says that Barooah in his speech did not mention the names of the constituent parties of the Janata Party, except Jana Sangha; while P.W. 60 says that Shri Barooah mentioned the names of the four constituents of the Janata Party as B.L.D., Jana Sangha, Congress (o) and Socialist. Although P.W. 59 is an Advocate and a Press Reporter, he admits that he does not remember the details of the speech of Barooah and 'hat he has given only the gist of his speech in his evidence. He even does not remember whether Barooah used the word 'Muslim' or 'minority' in saying that they would not get the same benefits if the Janata Party come to power.

In the contest of the gist of Barooah's speech given by the witness, the written report of Barooah's speech prepared by Amulya Baruah assumes great importance. Amulya Baruah is an Advocate. The speech was recorded by him immediately after it was made. Non-examination of Amulya Baruah and non-production of the report by the Petitioner create a great suspicion in the Petitioner's allegation of the corrupt practice.

P.W. 60 is a College teacher. He attributes the following speech to Shri Barooah;

"The object of Jana Sangha was to establish Hindu Raj in India. If the Janata Party came to power, the Muslims would not be in a position to maintain their culture, traditions and dignity. It might so happen that they might have to leave the country."

The witness says that Barooah, therefore, requested the Muslim community to cast their votes for the Congress. Thereafter, he further deposes that Barooah introduced the Respondent to the audience as 'a young man of the Ahom Community', who had already established himself as the Joint Secretary of the A.I.C.C.; so the 19 lakhs of the Ahoms of Upper Assam should cast their votes for him as he was an Ahom.

It is difficult to believe the story of introduction of the Respondent to the audience by Shri Barooah; for, the Respondent was the sitting M.P. from the same constituency since 1971. This story appears to have been introduced for the purpose of bringing in the description of the Respondent as an "Ahom young man" to give it a communal colour.

P.W. 60 is admittedly is an Ahom. He is an educated man, a college teacher, but he says that he does not know whether the third candidate, Jogen Gogoi, is an Ahom, while P.W. 2 has admitted that 'Gogoi' is an Ahom surname.

P.W. 60 further says that after Shri D. K. Barooah, the Respondent simply endorsed the speech of Barooah. The witness says that he himself is an Ahom but he did not relish the speech of Shri Barooah as, according to him, it was a communal speech. He says that one Sirajudullah, a lecturer of the Sibsagar Commerce College was also present in the meeting and that Shri Sirajudullah also sharply reacted to the communal speech of Shri Barooah and left the meeting. In the evening, he says, he visited the Janata Party Office where he found Amulya Barooah drafting a report of the speech of Shri D. K. Barooah to be submitted to the petitioner. As stated above, neither Shri Amulya Baruah has been examined as a witness, nor the report proved.

P.W. 60 admits that before the aforesaid Congress Election meeting, a Janata Party election meeting had also been held at Sibsagar but he cannot give the date of the meeting although he himself admittedly attended the meeting whereas he gives the precise date of the Congress election meeting and the speeches delivered there. He admits that he had moral support to the Janata Party. Although he could not relish 'communal' speech of Shri D. K. Barooah, he did not report to any of the teachers of his College about the speech of Shri Barooah.

The Respondent has examined himself. R.W. 21, Shri D. K. Barooah, R.W. 18 Shri Gajen Tanti and R.W. 19 Shri Miteswar Saikia. They have denied the allegation of corrupt practice. They admit the holding of the Congress election meeting. R.W. 21 deposes that he alone addressed the meeting and that the Respondent did not address it. R.W. 21 deposes he addressed the meeting, dwelling on the principles of democracy, socialism and secularism ingrained in the Congress manifesto. He denies that he appealed to the audience in the name of Muslim or Ahom communalism. His evidence is corroborated by the evidence of R.Ws. 18 and 19, as well as R.W. 5.

R.W. 21 has been cross-examined at length to show that he is not worthy of credit as he is capable of making utterances like, "Indira is India and India is Indira", and "the High Court is a third chamber of corruption". Be that as it may, he is highly interested in denying the allegations of the petitioner. But that does not detract from the legal position that the petitioner has to prove prima facie the allegation of the corrupt practice by credible evidence. As observed above, Shri Amulya Baruah, who prepared a record of the speech of Shri Barooah, has not been examined; the record of the speech has not been proved; prof. Sirajudullah and Jarshed Ali, two disinterested Muslims, and Munin Borgohain, a disinterested Municipal Ward Commissioner of the Ahom Community, have not been examined by the petitioner, for reasons known to him. That apart, in a conscious town like Sibsagar, where the Muslims and Ahoms form small minorities and where all the communities have been living in absolute communal harmony, it is difficult to believe that the mixed audience would be appealed to vote in the name of Muslim and Ahom communalism.

In my opinion the Petitioner has failed to establish the allegation of the corrupt practice against Shri D. K. Barooah or the Respondent.

(ii) KENDUGURI (NEAR JORHAT)

In paragraph 19 the petitioner has alleged that on 9-3-77 another Congress election meeting was held at Kenduguri (near Jorhat) which was addressed by Shri D. K. Barooah, Shri Bijoy Handique and the Respondent. It is alleged that the Shrimanta Shankar Mela was in session that day at Kenduguri. Thousands of people were present in the meeting. In the said meeting Shri D. K. Barooah spoke about the creation of Hindu Raj by the Janata Party if voted to power. The Respondent endorsed the speech of Shri D. K. Barooah. The petitioner alleges that the speeches of Shri Barooah and the Respondent were calculated to promote the feelings of enmity and hatred between different classes of citizens of India on the ground of religion and were calculated to further the prospects of the election of the Respondent.

The Respondent in his written statement admits that a Congress election meeting at Kenduguri was addressed by Shri D. K. Barooah and that the Respondent also attended that meeting. He has also admitted that a large number of people were present in the meeting, but he has denied that the Shrimanta Shankarnagar Mela was in session on that day. He avers that the Mela had been over a few days earlier. The Respondent also has denied that Shri D. K. Barooah addressed the gathering in the name of religion. He avers that Shri Barooah spoke in the meeting about the policies and programmes of the Congress. He further avers that Kenduguri and the neighbouring areas were predominantly inhabited by the people of the majority community and the meeting also consisted mainly of the people of the majority community, and, as such, the speech, which has been attributed to Shri D. K. Barooah, would have tremendous adverse effect to the Respondent himself.

The Petitioner has examined two witnesses in support of his allegations; they are—P.W. 29, Kartik Sarma and P.W. 30, Jitendra Saikia.

P.W. 29, Kartik Sarma says that he is a Press Reporter attached to the Janambhumi, an Assamese Daily published from Jorhat, and to some other papers. He says that he attended the Congress Election meeting at Kenduguri and that people of all communities attended the Congress Election meeting. He attributes the following speech to Shri Barooah—

"The Janata Party is a combination of four parties: Congress (O) B.L.D., Socialist party and the Jana Sangha. Amongst them the Jana Sangha is the most influential party whose aim is to establish Hindu Raj in India. If the Janata Party comes to power, it will establish a Hindu Raj in India. In that case except the Hindus, other communities will have no security in the country.

"So long the Congress has been giving safeguards to the interest of the minority communities; if the Janata Party comes to power there would be none to safeguard the different religious communities other than the Hindus."

He says that next day he went to the Jorhat Janata Party Office, discussed about the speeches delivered at the meeting and reported them to one Bangshi Saikia, who was in the office. He also reported the matter to the petitioner.

He admits in cross-examination that from 1959 to 1968 he was an Inspector in the L.I.C., and there was a charge against him for temporary misappropriation of L.I.C. money and ultimately he was discharged from service. Although admittedly he was a Reporter of the Janambhumi, he did not send any news about the alleged speeches of Shri D. K. Barooah and the Respondent in the aforesaid Congress Election meeting to his paper, nor did he send any news about the Shrimanta Shankar Mela itself, although admittedly it was an important mela attended by a large number of people including delegates from all over Assam. His explanation for not sending the report is that the Janambhumi sent its Staff Reporter, one Shri Pratap Hazarika, to cover the proceedings of the Shrimanta Shankar Mela and the Congress Election meeting. He even says that the news was published in the Janambhumi but the publication has not been proved in the case. The witness says that he gave the information to Bangshi Saikia who took it down on a piece of paper. According to the Petitioner it was a "verbatim" report. Bangshi Saikia is an office bearer of the Janata Party. He has not been examined in the case, nor the said verbatim report in writing has been proved by the petitioner.

P.W. 30 and P.W. 29 were admittedly members of the Congress till 14-3-77. Both of them resigned from the Congress on the same date, namely, 14-3-77. Both of them reported the speech of Shri D. K. Barooah to the Janata Party and the Petitioner when they were yet members of the Congress. In my opinion this conduct of theirs renders themselves unfit for reliance, for having betrayed the Congress, they are in my opinion, trying to endear themselves to the Janata Party by deposing for their candidate.

In the Congress Election meeting, according to P.W. 30, several leading Muslims such as Rohimuddin, Piar Mohammad, Mazibur Rahman, Azifa Begum, Hadi, Fazal and Nurjahan Begum, and respectable non-Muslims such as Smt. Soroj Bordoloi and Durgeswar Bora attended the meeting. None of them has been examined by the petitioner, nor has he offered any explanation for their non-examination. P.W. 30 admits that occasionally he visited the Janata Party office before and after the election particularly to read news papers there. He further says that he advised the Janata Party workers to take measures to counteract the speech of Shri D. K. Barooah. This shows his zeal for the Janata Party and its candidate. He does not appear to be worthy of credit.

In rebuttal, the Respondent has examined himself, R.W. 18, Gajen Tanti and R.W. 2, D. K. Barooah. They have denied the allegations of the corrupt practice. R.W. 21 deposed that he addressed a Congress election meeting at Kenduguri on the 9th March but he says that the tenor of his speech at Kenduguri was the same as in the meeting in the Sibsagar Boarding field. He is corroborated by R. Ws. 5 and 18. I have already observed on the evidence of R.W. 21 in connection with his speech at Sibsagar, and the same observation applies here too.

On a consideration of the evidence on record, I must hold that the Petitioner has failed to prove the corrupt practice by credible evidence, against Shri D. K. Barooah. The commission of corrupt practice by the Respondent by endorsing the speech of Barooah does not arise.

16. In connection with the allegations of corrupt practices alleged to have been committed by Shri D. K. Barooah, the circumstances that his name has not been mentioned in Ext. P/2 as one of the persons committing corrupt practices in the election, although the names of Hiteswar Saikia and Gajen Tanti as well as the Respondent have been mentioned, also cannot be lost sight of. The implication of Shri D. K. Barooah in the commission of corrupt practices appears to be an afterthought.

17. In para 20 of the petition, the petitioner has alleged commission of corrupt practices within the meaning of Section 123(3A) of the Act by Syed Abdul Malik, M.P. and the Respondent at the following places.

(i) HATIKOSH MOSQUE

In para 20 of the petition the petitioner has alleged that a meeting was held in the Mosque at Hatikosh, a village in the outskirts of the Sibsagar town. The meeting was addressed by the Respondent and Shri Syed Abdul Malik, M.P. It has been alleged that they said in their speeches that the Jana Sangha was a very important constituent of the Janata Party. The Jana Sangha was anti-Muslim and preached Hindu Communalism. It would create a Hindu Raj if voted to power in which case the Muslims in India would have no place. Both the speakers requested the Muslims not to vote for the Janata Party candidate but to vote for the Congress candidate.

The Respondent in his written statement has stated that he never visited Hatikosh village or addressed any meeting in the Mosque there. He also has denied that Syed Abdul Malik addressed such a meeting.

In support of his allegation, the petitioner has examined only one witness, namely, P.W. 26, Rose Ahmed, while the Respondent has examined himself and Syed Abdul Malik (R.W. 14). The Respondent has deposed that he did not visit Hatikosh on March 10 but that he alone had visited the village on March 2 and not with R.W. 14. R.W. 14 has deposed that he never visited Hatikosh at all.

P.W. 26 admits that during the election, the Janata Party Election Office was located at his residence and that he was the President of the Janata Party Election Committee at Hatikosh. He says while he was proceeding from the Janata Party Office in the Sibsagar town to his home, he by chance saw a gathering of 30 or 35 people in the premises of the Mosque and joined it. He further says that the Respondent and Malik addressed the gathering. Next day the Petitioner and Prof. Dalirur Rahman visited the Janata Party office at his residence when he reported to them about the speeches made by the Respondent and Malik at the Mosque. According to him the Petitioner recorded the information given by him.

Admittedly he, being the President of the Petitioner's election committee at Hatikosh, is a highly interested witness. He admits that Prof. Dalirur Rahman was not a member of the Janata Party, but he has not been examined by the Petitioner and no reason has been given by the Petitioner for not examining this disinterested witness. Nor any of the People of the village has been examined by the Petitioner. In the circumstances no reliance can be placed on the testimony of this interested witness.

The charge of corrupt practice has not been established.

In paragraph 21 of the petition the petitioner has alleged commission of corrupt practices at three different places namely, at Balibat and Tarajan Mosques in the Jorhat town and at the Kakajan Idgah Field. It has been alleged that in all these places, the election meetings were held on the same day, namely, 10-3-77 and they were addressed by the Respondent and Syed Abdul Malik. The Petitioner has alleged that the burden of the speeches of Malik and the Respondent, in these meetings was the same as in the Hatikosh Mosque.

The Respondent in his written statement has denied that any meetings in the aforesaid places were addressed by him and Malik. He avers that on 10-3-77 he was electioneering in the Sonari area and did not visit Balibat, Tarajan or Kakajan. He says that he addressed a meeting at Kakajan, not on the 10th of March, but on different date. In that meeting he spoke on the policy and programme of the Congress Party.

(ii) BALIBAT MOSQUE

P.W. 14, Rose Ahmed alias Lutfur Rahman, is the only witness who has deposed on this alleged incident. The tenor of evidence of P.W. 14 is the same as that of P.W. 26 on the Hatikosh incident. The Respondent (R.W. 5) and Syed Abdul Malik (R.W. 14) have denied the speeches attributed to them.

P.W. 14, admits that prominent people present in the Balibat meeting were Mubibul Hoque, Tamjidur Rehman, Abu Harej and others all of whom were non-party men. The petitioner has failed to examine any of them. So no reliance can be placed on this interested witness. It must, therefore, be held that the allegation of the corrupt practice has not been established.

(iii) KAKAJAN IDGAH FIELD

To establish the alleged corrupt practice committed at Kakajan, the petitioner has examined P.W. 7, Kutubuddin and P.W. 8, Ahmed Ali.

P.W. 7 admits in cross-examination that there is an Idgah Committee at Kakajan and one Sahabuddin is its President and one Azizur Rahman is its Secretary. None of them has been examined by the Petitioner, at least to show that the Congress Election meeting was held in the Idgah Field. He further admits that some leading persons of the village such as Sirajuddin, Lutfur Rahman, Piar Mohammad, Azizur Rahman, Nurul Hussain, Tafazzul Hussain, Tabaraf Hussain and the two Imams of the village, Derab Ali and Paharu Hussain, were present in the meeting but none of them has been examined in this case. Admittedly P.W. 7 and P.W. 8 were workers of the Janata Party, and are therefore Partisan witnesses. P.W. 7 admits that the Janata Party Election meeting was also held at Kakajan but he cannot give the date of the meeting while he has given a precise date of the Congress Election meeting alleged to have been held at Kakajan.

P.W. 8 says that a Janata Party meeting in the Kakajan High School Field was addressed by the Petitioner and Shri Debeswar Sarma of Jorhat but he does not remember the speeches of the Petitioner and Shri Sarma while he gives the summary of the speeches of Malik and the Respondent.

For the above reasons, I am unable to accept the evidence of P.Ws. 7 and 8, who are interested particularly when there were disinterested witnesses like Sirajuddin, Lutfur Rahman, Piar Mohammed, Azizur Rahman Nurul Hussain, Tafazzal Hussain, Tabaraf Hussain and the two village Imams but not examined.

The Respondent has examined himself and Syed Abdul Malik (R.W. 14). The former says that he addressed one meeting in Kakajan in the last part of February but not with R.W. 14. P.W. 14 says he addressed one meeting at Kakajan but not in the Idgah Field and that he did not attend any election meeting with the Respondent.

On a consideration of the evidence on record I hold that the Petitioner has failed to establish the corrupt practice by any cogent evidence.

(iv) TARAJAN MOSQUE

On the alleged corrupt practice committed at Tarajan Mosque, the Petitioner has examined P.W. 14, Rose Ahmed alias Lutfur Rahman, aforesaid and P.W. 15, Md. Saleh, while the Respondent has examined himself and R.W. 14 in rebuttal. Both of them have denied to have addressed any meeting in the Tarajan Mosque.

P.W. 14 was admittedly a worker of the Janata Party in the Election. He was a chance witness. He says that while he was passing by the road he saw a gathering in the Mosque premises and joined it, and heard the speeches of Abdul Malik and the Respondent. While P.W. 14 says that Malik said that the Janata Party consisted of four units, P.W. 15 says that Malik mentioned the name of one constituent only, namely, Jana Sangha. After the meeting was over, P.W. 14 says, he went to the Janata Party office at Jorhat and reported the matter. This shows his zeal for and interest in the Janata Party. He admits that some of the leading persons of the locality such as Dr. Imran, Md. Musu, Nekibur Zaman and the Imam of the Mosque, Syed Amanullah, were present in the gathering at the Mosque. The said gentlemen admittedly did not belong to any political party, but none of these respectable persons has been examined by the Petitioner.

Although P.W. 14 narrates the alleged speeches of the Respondent and Malik, he has not been able to give even the gist of the speech of an eminent leader as Acharya J. B. Kripalani, who addressed an Election meeting at Jorhat, although he admittedly heard the speech; nor has he been able to give the date of the meeting addressed by Shri Kripalani.

P.W. 15 says that after hearing the speeches of the Respondent and Shri Malik, he went to the Janata Party Office and reported the speeches to one Parama Dutta, who was in the Janata Party Office. This shows that he is interested in the Janata Party. P.W. 14 says that P.W. 15 was a supporter of the Janata Party. In the circumstances, it is difficult to place any reliance on the evidence of these partisan witnesses.

(P.W. 14 and 15) particularly when, disinterested leading persons like Dr. Imran, Md. Musa, Nekibur Zaman and Syed Amanullah, the Imam of the Mosque, who were admittedly present in the meeting, have not been examined by the Petitioner.

18. With regard to the charges of corrupt practice made against Malik, Ext. P/2 cannot be lost sight of. Malik's name has not been mentioned as one of the persons "indulging in casteism and communalism" or committing corrupt practice of any other kind. This commission detracts from the charges of corrupt practice against Malik, and the implication of Malik in the commission of corrupt practice appears to be an afterthought. It must therefore be held that the Petitioner has failed to prove the allegation of the corrupt practice by reliable evidence.

19. The petitioner has alleged commission by the Respondent and Golok Bora of corrupt practices within the meaning of Section 123(3) of the Act in paragraphs 22, 23, 24 and 30 at the places mentioned below.

(i) KUTU HABERIA

In paragraph 22, the Petitioner has alleged that on 7-3-77 a Congress Election meeting was held near the Namghar in Kutuhaberia village. Most of the inhabitants of the village are of the Sootea Community which is regarded as O.B.C. (other Backward Classes). That meeting was addressed by the Respondent and Shri Golok Borah. Golok Borah is the Chairman of the All Assam Sootea Sammelan and President of the Dakhin Charigaon Gaon Panchayat. It has been alleged that Shri Borah in his speech said that the Respondent belonged to the Ahom community and so he requested the voters of the Sootea Community to cast their votes for the Respondent who belonged to the Ahom Community and asked the voters not to cast their votes for the petitioner who was a caste Hindu. It has further been alleged that the Respondent also addressed the meeting in the same vein.

The Respondent in his written statement has denied the Petitioner's allegation. He avers that he did not at all visit Kutuhaberia during the election and as such the question of his speech in the above alleged meeting does not arise. He also denies the abovementioned alleged speech attributed to Golok Borah. The Respondent further avers that the question of appealing to the voters on the grounds of Ahom communalism was not possible as there was a third candidate, Shri Jogen Gogoi, of the C.P.C. who also was an Ahom.

The Petitioner did not examine any witness to establish the corrupt practice alleged to have been committed at Kutuhaberia. The only evidence on the point is the evidence of which is merely hearsay. As such it must be held that the allegation of this corrupt practice has not been established.

(ii) DAKHIN BAHATGAON

In paragraph 23 it is alleged that on 7-3-77 an election meeting was held at Dakhin Bahatgaon, and it was addressed by the Respondent and Shri Golok Borah. The burden of their speeches in this meeting is alleged to have been the same as in the meeting of Kutuhaberia.

The Respondent in his written statement has denied the allegation that he or Golok Borah addressed any Congress Election meeting at Dakhin Bahatgaon on 7-3-77. He says that no Congress Election meeting was at all held either on 9th March or any other day in the said village.

In support of his allegation the Petitioner has examined P.W. 24, Bhuban Dutta and P.W. 25, Guna Baruah, both of whom support the Petitioner's allegation; while the Respondent has examined himself and R.W. 8, Golok Borah, both of whom have denied the allegation. R.W. 8 has said that he has not even seen the village.

P.Ws. 24 and 25 appear to be chance witnesses of the said alleged meeting. They say that they attended the meeting on their way to Sandikai village. They admittedly worked for the Petitioner in the election and are interested witnesses. P.W. 25 admits that although he and P.W. 24 were workers of the Petitioner, they did not take any steps to counteract the propaganda of the Congress party. While the name of P.W. 24 was mentioned as a witness in the petition, the name of P.W. 25 was not mentioned. In the circumstances I do not find reason to prefer their evidence to that of the Respondent and R.W. 8.

In the result, I hold that the allegation has not been established by the petitioner by any cogent evidence.

20. According to the Petitioner the Respondent and his election agent, Bijoy Handique, committed corrupt practice within the meaning of section 123(3) of the Act as Nam Jamuguri.

(iii) NAM JAMUGURI

In paragraph 24 of the petition, the petitioner has alleged that on 8-3-77 a Congress Election meeting was held in village Nam-Jamuguri. The inhabitants of the said village are of the Saodang Community which is treated as O.B.C. That meeting was addressed by the Respondent and Shri Bijoy Handique. The two speakers, according to the Petitioner, said that the Respondent belonged to the Ahom Community and as such the Saodang voters should vote for the Respondent as he belonged to the Ahom community.

The Respondent in his written statement has denied the allegation that he and his Election Agent addressed the above alleged meeting. He avers that they did not attend or address any meeting at Nam Jamuguri during the election.

The petitioner has examined P.W. 2, Shrimati Kashiramai Saikia, and P.W. 3, Rupram Saodang Barua, while the respondent has examined himself and R.W. 6, Shri B. K. Handique, and R.W. Sada Baruah. They had denied the allegation. R.W. 9, has deposed that he visited Nam Jamuguri for election work but has denied to have visited the village with R.W. 5.

P.W. 2 appears to be thick and thin with and under an obligation to, the Petitioner. Admittedly she learnt dancing from the Petitioner; she is a reputed dancer and demonstrated her dances in many places including Delhi. The Petitioner accompanied her to Delhi. She says that a Janata Party election meeting was held in her village and that she attended that meeting but she is unable even to tell the names of the speakers of that meeting although she gives the gist of the speeches allegedly made by the Respondent Bijoy Handique at Nam Jamuguri. In the circumstances it is difficult to place reliance on her evidence.

P.W. 3 is a resident of No. 2 Saodang Goan. Although the name of P.W. 2 was mentioned in the petition, the name of P.W. 3 did not find place in it. Admittedly he worked for the petitioner in the two elections to the Assam Legislative Assembly. He is therefore an interested witness and so better than P.W. 2.

R.Ws. 5, 6 and 9 are also interested witnesses. In cross-examination by the Petitioner, R.W. 9 has admitted that Magiram Saikia, Dina Gogoi, Kanthi Gogoi and Naram Gogoi are leading men of village Nam Jamuguri. They appear to be disinterested persons. The Petitioner has not explained as to why he did not examine them. In the circumstances it is difficult to place reliance on the evidence of the interested witnesses, particularly when Bijoy Handique's name does not appear in Ex. P/2. The Petitioner has failed to prove the corrupt practice by cogent evidence.

21. CYCOTTA AND KATANIBARI

In para 36 of the petition, the petitioner has alleged that in the morning of 19th March, 1977, Shri Gajen Tanti, Minister, Assam, went to Cycotta T.E. and "threatened the voters of the said Tea Estate who assembled near the polling centre that if the voters would not vote for the Congress candidate they would lose their jobs in the garden and that their provident fund accumulations would be forfeited".

In the same paragraph the Petitioner has also alleged that the same morning Shri Tanti went to Katanibari Tea Estate, (a division of the Cycotta Tea Estate) and asked the voters who assembled near the polling centre, asking them to cast their votes for the Congress, failing which they were threatened, they would lose their jobs and their provident fund moneys.

The Respondent in his written statement has denied the allegations of the two corrupt practices at Cycotta and Katanibari. It has been stated that Shri Tanti did not visit the Cycotta Tea Estate. With regard to the alleged incident at Katanibari, the Respondent has alleged that on the 19th while passing through Katanibari, Shri Tanti saw some workers of the Janata Party including Shri Beria of Heria Rice Mill and one Jogan raising slogans and canvassing the voters within the prohibited area of the polling centre and as such he drew the attention of the Presiding Officer of the Polling Centre and requested him to take necessary action.

To prove the alleged incident at Katanibari, the Petitioner did not adduce any evidence. As such the allegation of the corrupt practice at Katanibari remains unproved.

To establish the allegation of the corrupt practice alleged to have been committed at Sycotta, the petitioner has examined three witnesses : P.W. 4—Putul Sarma, P.W. 5 Sarifur Rahman and R.W. 6—Kandru Nayak.

P.W. 4 is a labourer of the Sycotta Tea Estate and was admittedly a worker of the Janata Party and as such is a partisan witness. P.W. 5 Sarifur Rahman says that he went to the Janata Party office at Mariani and reported the matter to Jogen Gohain in the Janata Party office along with P.W. 4 and P.W. 6 as asked by them. This shows that he was at the back and call of P.Ws. 4 and 6 and as such his evidence is not worth reliance.

P.W. 6, Kandru Nayak, says that he heard the speech of Gajen Tanti at about 8 or 8.30 A.M. when he went to cast his vote in the booth. Admittedly he is a member of the Janata Party and, is, therefore, interested.

The Respondent has examined R.W. 28, Gajen Tanti. Shri Gajen Tanti deposes that in the election he did not work in the Jorhat Constituency at all as he worked for Haren Bhumi, the Congress candidate, in the Dibrugarh constituency.

In this connection Ext. P/2 has to be referred to. As stated earlier, the name of Gajen Tanti has been mentioned in Ext. P/2 Para 3 of Ext. P/2, which is relevant may be reproduced :

"3. The two State Ministers viz. Shri Hiteswar Saikia and Shri Gajen Tanti personally took part in liberal distribution of liquor and money as 'election gift' to woo voters."

The allegation in para 3, if true, may constitute a corrupt practice under Section 123(1) of the Act. There is no allegation in Ex. P/2 against Gajen Tanti of any corrupt practice under Section 123(2) of the Act, now alleged in the election petition. The allegation in the election petition appears to be concocted.

22. The petitioner has alleged against Shri Hiteswar Saikia three corrupt practices within the meaning of Section 123(1) of the Act in paras 29(a), 29(b) and 29(c) of the petition, at Mackeypore, Lakwa and Geleki, respectively.

(i) MACKEYPORE

In para 29(a) of the petition, the Petitioner has alleged that on 17-3-77 Shri Hiteswar Saikia addressed in the Mackeypore Tea Estate an election meeting attended by a large number of workers of the said Tea Estate. In the Tea Estate the labourers had a thatched club house. It has been alleged that in that meeting Shri Saikia promised to make their club house pucca and give the youths a radio set, if the voters of the tea garden voted for the Congress. The Petitioner has further alleged that on Abdul Kader, Secretary of the Gar Ali Gohain Gaon village Defence Party (V.D.P.) and Jagor Rajor, Secretary of the Mackeypore V.D.P. who were present in the meeting, also requested the voters to cast their votes for the Congress as the Minister had promised to make their Club House pucca and to give them a radio set. It has further been alleged that in the meeting Binod Rajput, Sujan Nayak, Arun Kar (P.W. 42), Hanif Dafadar (P.W. 40), Jaban Luik, Sankar Goala (P.W. 41), Jilkad Hussain and Rajen Goswami of Mackeypore T.E. were present.

The Respondent in his written statement has denied the allegation of the corrupt practice and avers that Hiteswar Saikia did not address any meeting at all in Mackeypore. T.E. during the Election.

The Petitioner in support of his allegation has examined P.Ws. 40,—Hanif Dafadar, P.W. 41,—Sankar Goala, and P.W. 42,—Arun Kar. P.W. 40 admittedly worked for the Janata Party in the election. He says that on the 17th March at about 8 P.M. he visited the Janata Party office after his meal. On his way in the Chariali of the garden, he saw a white Ambassador car parked near the Youth Club House which was used as the Congress Election office. Near the Club House, he saw Hiteswar Saikia, Lakhan Karmakar, President of the Assam Chah Mazdoor Sangha, Dibrugarh Branch, and Rohini Saikia, brother of Hiteswar Saikia, with a group of people.

Seeing the people, he joined them and heard the address of Hiteswar Saikia to whom he attributes a speech in the following terms—

"For all these years you have been voting for the Congress. This time also you should vote for the Congress. If you do so, I will make your Club House pucca and give you a radio set."

He says that after the speech of Hiteswar Saikia, Jagor Rajor and Abdul Kader, aforesaid, also addressed the gathering and requested them to cast their votes for the Congress as the Minister had promised to construct for them a pucca Club House and to give them a radio set.

P.W. 40 further says that the next day Dr. Bijoy Baruah of Nazira Janata Party Office visited the Janata Party Office at Mackeypore T.E. where the above incident was reported to him. Four or five days thereafter they also reported the matter to the Petitioner, when the latter visited the residence of P.D. Bhatnagar, Assistant Manager of the Tea Garden (P.W. 44). Although P.W. 40 is a youth, he is not a member of the club as he was otherwise busy. He attended the meeting by chance. He admits that in the meeting nobody demanded the construction of a pucca Club House, or any radio set. This witness is the Office Secretary of the Janata Party election Office in Mackeypore. Although he was an employee of the tea garden, he worked for the Janata Party by taking leave from his service for three days. This shows his great zeal for the Janata Party. He is a highly interested witness.

P.W. 41 Sankar Goala, is a student aged about 18 years. He was also a chance witness. He says he was chewing pan at Rajbir Goswami's pan-shop at the 'Chariali' of the garden. In his evidence he says that there were 25 or 30 shops belonging to Abdul Kader Ali, Ramjan Ali and others near the 'Chariali' and, in addition, there were also residential houses nearby. Ramjan Ali and Rajbir Goswami did not work for any party in the election. Admittedly they were listening to the speeches from their shops. They have not been examined by the Petitioner, nor has he offered any reason as to why these two disinterested persons were not examined in support of his allegations. P.W. 41 was admittedly a member of the election committee of the Janata Party at Mackeypore. He is an interested witness. Although he pretends to remember the alleged speech of Shri Hiteswar Saikia, he fails, in cross-examination, to give the gist of the speeches of P.W. 40 and one Ali Uddin Ahmed whose speeches he heard in a subsequent meeting (of the Janata Party) at Mackeypore.

P.W. 42, Arun Kar, corroborates the evidence of P.W. 40 and P.W. 41. He is at present a member of the Janata Party, although he says that he was not a member of the Janata Party at the time of the election. He, however, admits that although he was not a member of the Janata Party, he "occasionally visited the Janata Party Election office which is not far off from my shop. When Dr. Bijoy Baruah visited the Janata Party office next day, I saw him from my shop and went to the Janata Party Office". This betrays his predilection to the Janata Party. There were several disinterested persons nearby, such as, Bisheswar Sarma and 'Hindi Waster', but none of them has been examined by the Petitioner, nor has he given any reason for not examining them. In the circumstances it is difficult to place reliance on the evidence of P.Ws. 40, 41 and 42.

Shri Hiteswar Saikia, and Shri Abdul Kadir have been examined by the Respondent as R.Ws. 19 and 17, respectively, to rebut the evidence of P.Ws. 40, 41 and 42. R.W. 19 has deposed that during the period of election he did not visit Mackeypore at all. R.W. 17 admits that he has a bi-cycle shop at the Chariali of Mackeypore, and that he is the Secretary of the Gar-ali Gohaingaon V.D.P. He deposes that during the election Shri Hiteswar Saikia did not address any meeting in Mackeypore. He further says that in the election he did not work for any party, nor did he address any meeting.

On a consideration of the entire evidence on the point, I find that the petitioner has failed to establish the allegation of the corrupt practice by reliable evidence.

(ii) LAKWA

In para 29(b), the petitioner has alleged that on 17-3-1977 Shri Hiteswar Saikia with Bhadram Gogoi President of the Sibsagar D.C.C. (R.W. 15) went to Lakwa Tea Estate, and paid Rs. 2,000/- to Hari Tasa and Ramu Akora of the said Tea Estate to procure votes for the Congress by payment of money. After the departure of the Minister and his companion, Basanta Bawri (P.W. 48) who saw the incident, objected to the acceptance of the money by Hari Tasa, whereupon he was assaulted by Hari Tasa, Ramu Akora and others. According to the Petitioner Basanta Khera (P.W. 47) also saw the payment of the money by Hiteswar Saikia. The Petitioner further alleges that on the night of 18th March also R.W. 15 came to the Tea Estate with the Officer-in-Charge of Nazira Police Station at the instance of Hiteswar Saikia and paid Rs. 1700/- and gave 25 bottles of wine to Hari Tasa and others for the same purpose.

The Respondent in his written statement has denied the allegations of the corrupt practices. He asserts that Hiteswar Saikia did not at all visit the Lakwa Tea Estate during the period of election. He also denies the allegation that on the 18th March, R.W. 15 with the Officer-in-charge of Nazira Police Station paid Rs. 1700/- and gave 25 bottles of wine as alleged by the Petitioner.

The petitioner has examined two witnesses, namely, P.Ws. 47 and 48 named above.

P.W. 47, Basanta Khera says he was a member of the Congress Election Committee at Lakwa and worked for the Congress. He admits that 4 or 5 days after the poll, he visited the Janata Party Election office at Lakwa at the invitation of Putul Baruah, a Janata Party worker. In the Janata Party Election office he found the Petitioner to whom he narrated all the incidents that had taken place on the 17th and 18th March. Although in his evidence, he started deposing that he was a member of the Election Committee of the Congress at Lakwa, he had to admit in cross-examination that at no point of time he was a member of the Congress Party, nor he had any contact with the D.C.C. nor did he even know the D.C.C. office itself. His conduct that he did not report the above alleged incidents to anybody else except to the Petitioner and Putul Baruah, shows the falsity of his evidence. This self-styled member of the Congress election Committee of Lakwa loses his credence by his conduct in visiting the Janata Party Office and reporting the alleged incidents to the Petitioner and makes him unreliable.

P.W. 48, Basanta Bawri, says that in the evening of the incident he was returning from a shop after purchase of biddis and thread by the side of the Congress Election Office. In front of Ramu Akora's residence he found Ramu Akora, Hari Tasa, Tipusingh Garh, Tilak Das Panikar and Satrugna Akora in intoxicated state. These persons caught hold of him and assaulted him indiscriminately. The purpose of this evidence presumably is that these people consumed liquor supplied by the Congress. Be that as it may, P.W. 48 says that he lodged a First Information Report about the above assault at Lakwa Police out post. One Kshirod who wrote the ejahar accompanied him to the Police Out Post. He says that he lodged the ejahar at the Police Out Post as advised by the Janata Party Office where he went to report the above incident. This conduct of his betrays his relation with the Janata Party. In the circumstances no reliance can be placed on his evidence.

The Respondent has examined R.W. 19, Hiteswar Saikia, R.W. 15 Bhadram Gogoi, R.W. 13 Ramu Akora, and R.W. 4, Shri Khan, O.C. of Nazira Police Station, in rebutting the evidence of the Petitioner's witnesses.

R.W. 19 deposes that during the period of the election he did not visit Lakwa at all. R.W. 15 also denies that he visited Lakwa with R.W. 19 on March 17. He also denies that he went to Lakwa with R.W. 4 on March 18 and paid Rs. 1700/- to Hari Tasa and gave 25 bottles of liquor to the labourers of the garden. Ramu Akora (R.W. 13) also corroborates the evidence of R.W. 19. R.W. 13 says that he received summons to depose in this case by post, which is not true. Summons to non-official witnesses were issued at party's risk. R.W. 4 corroborates R.W. 15. Whatever may be the value of the denials of R.Ws. 4, 13, 15 and 19, the Petitioner has failed to make out the corrupt practice by cogent evidence.

(iii) GALEKI

The Petitioner alleges in para 29(c) of the petition that on 17-3-1977 Hiteswar Saikia addressed on election meeting in the Galeki Tea Estate. He was accompanied by his brother Rohini Saikia and Lakhan Karmakar, an office bearer of the I.N.T.U.C. Hiteswar is alleged to have stated in the meeting that if the Janata Party formed the Government, "the labourers would be harassed and killed". It has been further alleged that after the meeting, Hiteswar Saikia paid Rs. 500/- to each of the six Sardars of the Tea Estate. The names of the Sardars also have been mentioned in the petition. While paying the money, Hiteswar Saikia is alleged to have asked the Sardars to vote for the Congress candidate and to induce all the voters of the Tea Estate to vote for the Congress and not to allow the Janata Party workers to enter the Tea Estate. It has further been alleged that Hiteswar Saikia paid "additional money buying wine to the aforesaid persons". It has been further alleged that the Sardars thereafter purchased wine and distributed it amongst the labourers of the tea garden. The Petitioner has mentioned that Jethu Mirdha (P.W. 36), satya Nayak, Gahan Nayak, Samara Ratia, Hem Gogoi and Dimbeswar Gogoi (P.W. 35) were present in the meeting and saw the payment of the money by Hiteswar Saikia to the Sardars.

The Respondent in his written statement has admitted that on the 17th March, Shri Hiteswar Saikia addressed an election meeting in the Galeki Tea Estate but he has stoutly denied the alleged speech of Hiteswar Saikia, and the payment of Rs. 500/- to each of the Sardars.

In support of the allegation the Petitioner has examined two witnesses, namely, P.Ws. 35 and 36.

P.W. 35 says that he saw the meeting on his way to market. He heard just the concluding part of Shri Hiteswar Saikia's speech. He says that Shri Saikia, referring to the Janata Party, said :

"If this Party goes to power it will shoot you to death, as this party has shot Mahatma Gandhi even."

He further says that after the speech Hiteswar Saikia proceeded towards the Club of the Tea Estate followed by the six Sardars. He also followed them. Hiteswar Saikia and the Sardars entered into the Club but he himself was standing outside, "peeping through window" and saw Hiteswar Saikia paying money to the Sardars, and heard him telling the Sardars to buy liquor with the money and distribute it amongst the voters so that they cast their votes by putting the seal on the symbol of "the cow and the calf". He further says that after the departure of Hiteswar Saikia and his companions he asked Karma, one of the six Sardars, what amount was paid to him by the Minister and learnt that an amount of Rs. 500/- was paid to each of the Sardars and the amount was shown to him. He further deposes that in the evening Karma Sardar bought 'sulaf' liquor and distributed it amongst the workers in Labour Line No. 4, and it was consumed in the house of Hari Chandra Orang of the said Labour Line.

He admits that Keshab Chetia, one of the Staff members of the garden, attended the meeting in question. He was the Head Mohurri, who did not work in the election for any of the political parties. He was a disinterested person. But he has not been examined by the Petitioner and no reason has been given as to why he was not examined.

All along P.W. 35 happens to be a chance witness. He attended the meeting by chance. He saw the consumption of the liquor by chance. He reported the incident to the Petitioner whom he met by chance. Admittedly in the election he actively worked for the Janata Party. He is a partisan witness. He admits that Hari Orang, Jagmohan Karmakar, and Banda Bhumij were some of the leading workers of Labour Line No. 4, but none of them has been examined in the case. He says that he gave the information to the Petitioner in writing but the writing has not been proved.

P.W. 36 was a casual labourer of the Galeki Tea Estate. He appears to be no better than a speaker when he says that when Hiteswar Saikia and the six Sardars entered into the Club House, he proceeded to the entrance of the Club House to see what the Minister was doing inside it and

that at that time he saw Hiteswar Saikia bringing out fifty-rupee currency notes from a bag and paying the same to the Sardars. He says that he reported the same night to the Janata Party office at Galeki the incidents of the payment of the money and the consumption of the liquor. At the time of the election, he was admittedly the Secretary of the Election Committee of the Janata Party. All this shows his interest in the Janata Party. As the Petitioner has omitted to examine disinterested witnesses like Mohanlal, Satya Narayan and Keshab Chetia, it is difficult to place reliance on the evidence of partisan witnesses like P.Ws. 35 and 36.

In rebuttal the Respondent has examined R.W. 10, Lakhan Karmakar, R.W. 19 Shri Hiteswar Saikia and R.W. 16 Ramdhan Goala. All of them have admitted that R.W. 19 visited Galeki on March 17 and addressed a Congress election meeting; but they have denied the speech attributed to R.W. 19 and the payment of any money to the Sardars. No doubt these witnesses are interested; but their evidence is mere denials. Be that as it may, the Petitioner has failed to prove the corrupt practice by any credible evidence.

23. SARAIDEO

In paragraph 30, the Petitioner has alleged that a ceremony known as "Swargadeor Tarpan" was held at Saraideo on 9-3-1977. That ceremony was attended by thousands of persons mostly of the Ahom community. Shri Hiteswar Saikia, attended the ceremony and addressed the people saying that the Respondent was an Ahom and so the people of the Ahom community should cast their votes for him.

The Respondent in his written statement has denied the allegation of the corrupt practices. He admits that a ceremony known as "Swargadeor Torpan" was held at Saraideo on 9-3-1977. He avers that a ceremony really known as "Swargadeo Sakalor Shmruti Tarpan" is held every year to offer homage to the deceased Ahom rulers. In this ceremony discussion on any other subject is prohibited. He has categorically denied the alleged address of Hiteswar Saikia. The Respondent has admitted that the petitioner attended that ceremony and said that the latter offered a Sarai and prayed for the blessings of the Tai Priests. He avers that a seminar was held on that occasion for the discussion of historical and cultural subjects at the end of the ceremony and it was attended by a number of educationists and historians. It has been admitted that Hiteswar Saikia also attended that meeting and participated in the seminar. But it has been denied that he spoke to the people about election and requested them to vote for the Respondent as he was an Ahom.

The evidence on the point is the direct evidence of the Petitioner himself (P.W. 1), P.W. 51-Joga Saikia, P.W. 52-Coda Chutia and R.W's 19 Hiteswar Saikia and 11, Sarat Barkataki.

The relevant evidence of the Petitioner is that on 9-3-1977 he attended the ceremony at about 3.30 P.M. He went inside the gathering in order to offer his prayer and saw, amongst others, Hiteswar Saikia sitting under a canopy with a mike before him. Near the canopy, there was a number of 'Bailungs' (Ahom priests) sitting with a Sarai. He bowed his head before the Sarai and returned. Coming out of the gathering, he heard Hiteswar Saikia address the gathering thus :—

"The election is taking place on the 19th next. We have set up our own Ahom candidate, Sri Tarun Gogoi, from this constituency as a Congress candidate. All of you are to vote for him for the interest of the community."

The Petitioner says that he did not relish the communal speech of Hiteswar Saikia and left the place and on return he reported the matter to his co-workers.

P.W. 51, Joga Saikia, says that the petitioner had told him and P.W. 52 earlier that he would meet them at Saraideo on the 9th at about 3 or 3.30 P.M. and accordingly he and P.W. 52 went to Saraideo. The petitioner however does not corroborate him. P.W. 51 says that the speech attributed to Shri Hiteswar Saikia was in the following terms :—

"We have set up Shri Tarun Gogoi, who is a person of our community as Congress candidate. Election

takes place on the 19th. I request you to cast your vote for him so that he can do something for our community."

While P.W. 52 says that the speech of Shri Hiteswar Saikia was in the following terms :—

"On this significant day we have set up an Ahom Candidate from the Congress side in the present election. I therefore request you my Ahom brother and sisters to cast their votes in his favour."

P.W. 51 says most of the audience were of the Ahom community as normally it was the Ahoms who gathered there to pay homage to the souls of the deceased Ahom ruler. In cross-examination he and P.W. 52 admit that they were workers of the Janata Party. P.W. 52 admits that before Hiteswar Saikia some other persons also spoke in the meeting. But when he was asked to give the gist of their speeches, he was unable to do so, saying that he "did not pay any attention to these speeches"

Apart from the discrepancies in the evidence of P.W.'s 51 and 52 it may be mentioned that the Petitioner in his election petition simply vaguely stated, "Mr. Hiteswar Saikia appealed to the persons assembled there that the Respondent No. 1 being an Ahom, he should get the votes of the members of the Ahom community". He has not mentioned the names of P.W.'s 51 and 52 also being present in the meeting and hearing the speech of Hiteswar Saikia. True it is that the petitioner need not mention the names of witnesses in the petition, as submitted by the learned counsel for the petitioner but when he has been ceremoniously doing so in connection with the other incidents, the omission of the names of P.W.'s 51 to 52 is significant. The names of P.W.'s 51 and 52 were however mentioned in connection with an incident at Sonari (vide para 32 (vii) of the election petition) but they have not deposed on the Sonari incident. Even in evidence the Petitioner did not say that P.W.'s 51 and 52 were with him in the ceremony and heard the speech of Hiteswar Saikia.

In the circumstances it must be held that the Petitioner has hopelessly failed to establish the allegation of the corrupt practice.

24. SIMALUGURI

The Petitioner has alleged commission by Shri Hiteswar Saikia corrupt practice within the meaning of Section 123(2) of the Act at Simaluguri.

In para 31 of the election petition the Petitioner has alleged that one Mridul Kanti Paul, a businessman of the Bengali Community of Simaluguri, had been arrested by the Police and deported to Bangladesh. On 11-3-77 Shri Hiteswar Saikia delivered an election speech at Simaluguri. Referring to—the deportation of Mridul Kanti, Hiteswar Saikia asked the People of the Bengali Community present in the meeting to cast their votes for the Congress candidate, otherwise they would also be deported out of India like Mridul Kanti. It has been alleged that Jiba Kanta Gogoi and Anath Bandhu Das of Simaluguri were present in the meeting and heard the speech of Hiteswar Saikia.

The Respondent in his written statement has denied the allegation of the corrupt practice. It has been averred that Hiteswar Saikia did not address any meeting at all at Simaluguri during the election.

The Petitioner has examined only Jiba Kanta Gogoi (P.W. 61) in support of his allegation. P.W. 61 says that on 13th of March he went to the Janata Party office at Nazira and reported the speech of Shri Hiteswar Saikia to Bijoy doctor and the Petitioner whom he found there. The witness has admitted that the meeting at Simaluguri consisted of people of different communities although about 70 per cent of the audience were of the Bengali community, and that Nimal Dey, Jadu Dey and Amulya Dewani, who were members of the Bengali community heard the speech of Hiteswar Saikia but none of them has been examined by the Petitioner. He further says that Durga Maskara, Satyan Aich and Nabibur Rehman Hazarika of Simaluguri were also present in the meeting. They also have not been examined. Admittedly P.W. 61 is a member of the Janata Party. He admits that

in the Assembly Election of 1972, he worked against Hiteswar Saikia who was the Congress candidate and supported Saikia's rival, Daben Bordoloi. He says he was a Congressman before he joined the Janata Party. This shows that he has been hostile to Hiteswar Saikia and worked against him in 1972 when he (the witness) was still a congressman. This conduct of his makes him an unreliable witness. Further P.W. 61 admits that he has "no personal knowledge about the deportation of Mridul Kanta so his evidence about the alleged deportation is based on hearsay. The Petitioner has not adduced any evidence to prove the factum of the alleged deportation of Mridul Kanti. If the alleged deportation of Mridul Kanti was not true, the allegation of the alleged speech of Hiteswar Saikia referring to the deportation of Mridul Kanti becomes false. The best witness to depose on the point was Mridul Kanti. P.W. 61 has deposed that Mridul Kanti was deported about two months before the election, but he has since returned to Simaluguri after the election. For the reasons best known to the Petitioner, however, Mridul Kanti has not been examined by the Petitioner, although he was cited as a witness.

The Respondent has examined W.W. 19, Hiteswar Saikia who has deposed that during the period of election, he did not visit Simaluguri at all.

In the circumstances I hold that there is no evidence in support of the allegation of this corrupt practice.

25. In para 29 and with para 32 along with its Sub-para, the Petitioner has alleged commission by Hiteswar Saikia corrupt practices within the meaning of Section 123 (7) of the Act.

In para 29 it has been alleged that Shri Hiteswar Saikia with full knowledge and consent of the Respondent actively campaigned for the Respondent and utilised his official powers as a Home Minister and engaged Police Officers to help the Respondent in the election, or to harass Petitioner's workers.

(i) AND (ii) O.C. TITABAR

In clauses (i) and (ii) of para 32 the Petitioner has alleged that on the 18th March 1977, Shri Sashadhar Bora, O.C. of Titabar Police Station, threatened the voters of the Sarai-pani Tea Estate that they would face consequences if they did not vote for the Congress. Similarly, Sashadhar Bora in uniform went to different villages and Tea Estate including Tairun and Hilika Tea Estate in Police vehicles and intimidated the voters. The allegations were denied by the Respondent. The Petitioner has not led any evidence on the alleged corrupt practice alleged in sub paras (i) and (ii) of para 32 of the election petition.

(iii) and (iv) O.C. NAZIRA

In clause (iv) of para 32, the Petitioner has stated that on 10th March, 1977, Mr. Khan, O/C of the Nazira Police Station, accompanied by the In-Charge of the Galaki Police out post and four constables went to the residence of Mr. A. Bhargaeas, Assistant Manager of the Deopani Tea Estate and threatened him that he would be arrested if he continued to work for the Janata Party.

In Clause (viii) it has been stated that on 16th March 1977 Mr. Khan, aforesaid, went to Mackeypore T. E. and intimidated the workers of the Janata Party. The allegations were denied by the Respondent.

The Petitioner did not adduce any evidence to prove the corrupt practices alleged in clauses (iv) and (viii) also.

Learned counsel for the Petitioner fairly conceded that there is no evidence in support of the allegations made in sub-para (i), (ii), (iv) and (viii) of para 32, and did not press them.

The allegation in clause (v) of para 29 is the same as that in para 29(b) of the petition. We have already dealt with it.

(v) O.C. SONARI

In clause (vi) of para 32, the petitioner has alleged that "the O/C of Sonari Police Station called Bimal Das, an active worker of the Janata Party to the Sonari thana and

told him that if he continued to work for the Janata Party, he would be arrested as advised by the Home Minister".

The Respondent in his written statement has, as usual, denied the allegation.

The Petitioner has examined two witnesses on the point, they are—P.W. 43 Bimal Das, and P.W. 32, Hem Kanta Gogoi.

P.W. 43 deposes that he is an Assamese of the Bengali origin. He says that on the 16th March, 1977 a constable came to him and called him to the thana where the O.C. asked him whether he was working for the Janata Party. He answered in the affirmative. The O. C. then asked him to work for the Congress Party and stop to work for the Janata Party; else, he was threatened, he would be arrested after the election as advised by the Home Minister, Hiteswar Saikia. His evidence does not inspire confidence inasmuch as Salil Dasgupta, Sunil Nandi, Jiten Nandi, Abinash Ghose and Several others who were admittedly Janata Party workers of Bengali origin, were not similarly threatened by the O. C. There was no reason disclosed as to why P.W. 43 was singled out for the alleged deal.

P.W. 32, Hem Kanta Gogoi is the Assistant Sub-Inspector of Police of the Sonari Police Station. He merely proves the Ext. P/4 which is the General Diary of the Police Station from 3-3-77 to 29-3-77. Ext. P/4 (3) is Entry No. 493 in Ext. P/4. Ext. P/4 (3) shows that it was recorded at the instance of the Janata Party worker, Jogen Saikia, on the alleged distribution of wine, and does not support the alleged corrupt practice in question.

The Respondent has examined no witness on the point.

In my opinion the allegation of the corrupt practice has not been proved by any credible evidence.

(vi) In clause (vii) it has been alleged that on the 18th March, the O.C. of Sonari Police Station also arrested Shri Baikuntha Koch, a Janata Party worker at Towkok Tea Estate and detained him in the thana.

The Respondent in his written statement has denied the allegation.

The Petitioner has examined Baikuntha Koch as P.W. 13 in support of the allegation. P.W. 13 is a resident of Dhakuakhana in the district of Lakhimpur and worked for the Janata Party at Dhakuakhana in the Lakhimpur Constituency, where the poll has taken place on the 16th March. He says he left Dhakuakhana for Sibsagar on the 16th itself and offered his services in the Jorhat Constituency, and he was allotted work in Towkok.

His evidence is inherently incredible inasmuch as he admittedly having been a worker of the Janata Party at Dhakuakhana, there does not appear to have been any particular reason as to why on 16th March itself he left Dhakuakhana where the poll took place on that very day, and came to Towkok via Sibsagar. He further says that when he was arrested, his three other Co-workers deserted him and did not even go to the Police Station to make any enquiry about him. After his release, he says, he went to his room where he met his three inmates. They were ready to leave Towkok for Sibsagar, and he along with them left for Sibsagar, at noon of the 19th March which was the day of poll.

It may be noted that this witness has left Dhakuakhana in the morning of the 16th, which was the poll day there and left at noon of the 19th, which was the poll day at Towkok. He does not to be a responsible person but appears to be a concocted witness.

The Respondent has not examined any witness. Be that as it may, in my opinion, the allegation of the corrupt practice has not been established.

(vii) O. C. NAZIRA

In clause (ix) of para 32, the petitioner has alleged that Amulya Prosad Dutta (P. W. 45) was the Secretary of the Barsila T. E. Janata Party Election Committee and Polling Agent of the Petitioner for the Barsila Polling Centre. On the night of 18th March, some cars came to Barsila when

P. W. 45 and Tridib Gogoi (P. W. 46) approached the cars to see the occupants thereof. They saw Janti Ali, Bishu Agarwalla (both Congress workers) and some Police people were in one car. In another car, they saw Basanta Rajkhowan and Durlav Gogoi (both Congress workers) along with some Police constable. Janti Ali came out and caught hold of P. W. 45 when he was dragged by the Police people into the car and taken to the residence of Rohini Saikia, where Hiteswar Saikia, Minister, was staying. It is alleged that Hiteswar Saikia, directed the O. C. of the Nazira Police Station to detain P. W. 45 at the thana. The O/C then first took P. W. 45 to Celeki Police Out Post where he was detained for one and half hours and then taken to the Nazira Police Station and detained him there for the night. It has been alleged that Barsila falls within the Jurisdiction of the Amguri Police Station, even then he was illegally taken to Nazira Police Station. It has been alleged that P. W. 45 was released at noon on the date of the poll, namely, the 19th March.

The Respondent in his written statement has denied the allegation.

The Petitioner has examined P.Ws 45 and 46 in support of his allegation.

In cross-examination P. W. 45 has said that his brothers, Pradip and Putul the same night reported to Amguri Police Station about his illegal detention in Galeki and Nazira. But Pradip and Putul have not been examined; nor the report to the Police Station proved, to show that an information was lodged at Amguri Police Station. He further deposes that after release he informed Shri Tarini Sarma, Advocate (P. W. 59) who was the Secretary of the Central Election Committee at Sibsagar, and that P. W. 59 made a record of the report and got it signed by the witness. His evidence does not get support from the evidence of P. W. 59. The alleged written report allegedly signed by P. W. 45 has not been proved either.

The appointment of this witness as Polling Agent by the Petitioner has been challenged by the Respondent. The Petitioner has not adduced any documentary evidence to show that he was indeed appointed the Polling Agent by the Petitioner at the Barsila Polling centre. He has admitted that Tridib Gogoi (P. W. 46) and four other Janata Party Workers, namely, Likha Duara, Bidu Dey, Pradip Sarma and Suren Chetia were present when he was arrested and taken away from Barsila. The Petitioner's case is that P. W. 45 was arrested because, he was a worker of the Janata Party. If that be so, there was no reason as to why the other Janata Party workers, Likha, Bidu and Pradip were not arrested by the police.

The witness further says that he gave the information to Tarini Sarma (P. W. 59) who advised him not to file any court case or lodge any *ejahar* at the thana or to complain to any higher authority against the conduct of the police in illegally arresting and detaining him, and merely told him that the petitioner "might file an election petition, in the event that incident would be necessary". If the case of his illegal arrest and detention was true, then P. W. 59, an Advocate, would have advised him to take necessary legal steps against the high handed actions of the Police Officers even if the incident might be necessary for an election petition.

The Respondent has admitted in his cross-examination that P. W. 45 was arrested but according to him the arrest was in connection with a criminal case against him (P. W. 45). It has been denied that after arrest, P. W. 45 was taken to the residence of Rohini Saikia.

P. W. 46 who is also admittedly a Janata party worker, supports the petitioner's allegation and corroborates the evidence of P. W. 45, in cross-examination says that when P. W. 45 were arrested, there were about 60 or 70 tea garden labourers intoxicated and armed with lathis and making noise. He and his other colleagues therefore did not try to rescue P. W. 45 from the hands of Kanti Ali one Hari Agardatta is a residence of the place of the alleged occurrence. He has not been examined Mr. Rout, Assistant Manager and one Saru Ram Dutta were also admittedly present at the time of occurrence. They have also not been examined by the petitioner.

The witness says that out of fear they were fleeing the Barsila Tea Estate and going on foot to Howlating Tea Estate where by chance they got a Janata Party vehicle with Gagan Hazarika, a Janata Party worker, in it. They reported to him about the arrest of P. W. 45 and requested him to take them to the Janata Party office at Jorhat so that the matter might be reported there. They were taken there, where they enquired about the petitioner who was not available. It was then about 3 A.M. The witness and his companions went to Amguri where they found Mahendra Hazarika to whom they reported about the arrest of P.W. 45 at about 5-30 or 6 A.M. Mahendra Hazarika said that he had no time to take any action in the matter and that he would inform the matter to Shri Dulal Baruah. The witness further says that P. W. 59 visited Barsila Tea Estate on the date of Poll at about 12-30 or 1 P.M. but he did not report the incident to him (P. W. 59) about the arrest of P. W. 45. This evidence of his tends to belie his earlier evidence about the forcible arrest and detention of P.W. 45.

In rebuttal the Respondent has examined R. W. 4, Mr. Khan, O. C. of Nazira Police Station and R. W. 19, Shri Hiteswar Saikia. Refreshing his memory from Ext. P/5 (5), a G. D. Entry made by himself, R. W. 4 deposes that Amulya Dutta (P. W. 45) was arrested in the night of March 18 by Sub-Inspector Mihiram Saikia, in-charge of Nanti Police out post in connection with an offence of assault. R. W. 45 was handed over to him (R. W. 4) by Mihiram Saikia at Galeki out post as there was no lock up at Galeki out post. So he (R. W. 4) took P. W. 45 to Nazira Police Station. R. W. 4 has denied that he took P. W. 45 to the residence of the Minister, Shri Hiteswar Saikia (R. W. 19). R. W. 4 is corroborated by R. W. 19. R. W. 19 says, in the night of March 18/19, he did not stay at village home at Barduarmukh near Nazira, but was in the Sibsagar Circuit House. The evidence of R. W. 19 finds corroboration from Ext. R/18(6), the entry in the visitors' Register of the Sibsagar Circuit House. The unimpeachable evidence afforded by Ext. R/18(6) belies the allegation of the Petitioner and the evidence of P. W. 45 that the latter had been taken to the residence of the Minister. The Petitioner has not denied that there was or is a criminal case against P. W. 45.

In the circumstances the allegations with regard to the production of P. W. 45 by R. W. 4 before R. W. 19 must be held to be false.

In clauses (x), (xi) and (xii) of para 32 of the Petition the Petitioner has not made any allegation of independent corrupt practices. In these clauses he has mentioned only some evidence like informations given to the Police Stations with regard to the alleged illegal activities of the police officers or the activities of the Congress party.

This leaves us with the corrupt practice alleged to have been committed at Mariani.

(iii) MARIANI

In clause (xiii) the Petitioner has alleged that it was decided that on the night of 18-3-1977 batches of Janata workers would remain in the tea gardens around Mariani to see that the Congress workers did not indulge in election propaganda and distribution of wines and money in the labour lines. In order to frustrate that plan, it has been alleged the officer in-charge of Mariani Police Station, at the direction of Shri Hiteswar Saikia, the Home Minister seized many vehicles carrying Janata Party workers and detained them in the thana compound. The O/C also rounded up many Janata Party workers from various tea estates and brought them to the Mariani thana, on the other hand the Congress workers were allowed freely to go to the labour lines of the tea gardens and distribute liquor amongst the labourers. Getting the information about all this, the Petitioner went to the Police Station, sue the O/C and protested against his legal action and demanded release of the Janata party workers and its vehicles immediately. The Petitioner was informed it has further been alleged by the O/C, that he was acting at the direction of the Home Minister.

The Respondent has denied the above allegations of the Petitioner. He has also stoutly denied that Hiteswar Saikia noted as his Agent or that he (Saikia) acted, if at all, with the consent of the Respondent.

To Prove the allegations made in clause (xiii), the petitioner has examined himself as P.W. 1 P.W. 12, Mukhan Chandra Bordoloi, P.W. 19, Jogen Buragohain and P.W. 31, P. C. Hazarika.

The Petitioner in his evidence says that he visited Mariani on 18-3-77 and found that the police had detained a number of Janata Party election vehicles and some workers. He then approached the O/C of the Police Station and on enquiry was told that the O. C. had done so on orders from 'higher' authorities. He then telephoned the Superintendent of Police and the Deputy Commissioner at Jorhat and learnt that they did not authorise the Officer-in-charge to detain vehicles of or workers of any political party. On return he told the O/C that he had not been authorised by the Superintendent of Police or the Deputy Commissioner to detain the Janata party and vehicles and workers whereupon he (O. C.) said that he was authorised to do so by authorities 'still higher up', meaning the Home Minister. He says that he made specific complaint to the Superintendent of Police and the Deputy Commissioner about the abuse of the Powers by the Officers-in-Charge of Titabar, Mariani, Debrapara, Nazira and Sonari Police Stations and Geleky Police out post. But neither the Superintendent of Police nor the Deputy Commissioner has been examined to corroborate this evidence of his. In cross-examination the Petitioner has not been able to give the registration number of any single vehicle alleged to have been seized by the Mariani Police Station.

P.W. 12, Makhan Bordoloi, is a resident of Jorhat town and dealer in vegetables. During the election he worked for the Janata Party. He says that he was attached to the Janata Party office for the Mariani (L. A) constituency. He says that he received the above information at about -10-30 P.M. He then went to the thana and saw the Janata Party vehicles with the drivers in the thana premises. On enquiry he was informed by the O/C of the thana, that the Janata Party vehicles had been seized and the drivers detained under the instruction from the Home Minister. Hiteswar Saikia. He says that about 10 or 12 vehicles were allotted to the Mariani Party Office by the Janata Party, but he too has not been able to give the registration number of any of the vehicles, nor the areas to which the vehicles were allowed nor the quantity of petrol consumed by the vehicles although he claims he was in charge of the party office. Even he has not been able to give the name of any of the drivers of the vehicles, who were allegedly detained in thana.

In cross-examination he admits that he was summoned as a witness to attend the Court on 31st August and since then he was at Gauhati till 12-9-1977, the date of his deposition. During this period he has been serving as the driver of the Petitioner's car plying from Dispur to the High Court and back. He is, therefore, a Janata Party worker obedient to the petitioner. His evidence, therefore, is not independent. In the circumstances no reliance can be put on his evidence.

P. W. 19 Jogen Buragohain supports the petitioners. But like P. W. 12, he has also not been able to give the registration numbers of the vehicles. He gives the names of two of the drivers as Makhan Dey and Khageswar gogoi, but none of them has been examined by the Petitioner. Both P. W. 12 and P. W. 19 say that the petitioner telephoned to the Superintendent of Police and the Deputy Commissioner at Jorhat from the telephone belonging to Mr. Beria of M/s. Beria Rice and Flour Mills of Mariani. But there is not documentary evidence to show that the telephone call was in fact made. Mr. Beria also has not been examined. P. W. 19 has admitted that he lodged a complaint to the Police that some of the Janata Party workers were missing and some injured and that the police registered a case and arrested some congress workers. This is corroborated by Ext. P/3(14). But this piece of evidence of his belies the Petitioner's case that the police was aiding Congress workers and arresting Janata Party workers only.

P. W. 31 is P. C. Hazarika, A.S.I. of Mariani Police Station. He proves Ex. P/3, the General Diary of Mariani Police Station from 17-3-77 to 6-4-77 and the relevant entries therein Ex. P/3(6) (entry 451 dated 18-3-77) shows excess passengers carried by vehicles were made to dis-

embark near the thana. Ext. P/3 (8) (entry 456 of the same date) shows direction by the S. P. (S) to take immediate steps on the incident in Hilika T. E.

In cross-examination P. W. 31 has admitted that the O/C told him that he (O. C.) had been ordered by the S. P. on the direction from the Home Minister that they (the Police officers) should take necessary action against vehicles carrying unauthorised persons irrespective of whether the vehicles were used by any political party or not. This evidence get support from Ext. P/3(1). This was a legitimate instruction by the S. P. on the advice of the Home Minister and no exception can be taken to it. P.W. 31 further deposes referring to G. D. Entry, Ext. P/3 (14), (as already noticed) that an ejahar was lodged by P. W. 19 and on the basis of that, police Station case No. 10(3)/77 was registered under Section 147/148/225 and 342 I.P.C. on the allegation of assaults on Janata Party workers by four Congress men. He further says that in pursuance of that ejahar some people were interrogated in the thana and discharged thereafter.

The evidence of P. W. 31 demolished the Petitioner's allegation of the corrupt practice in question.

In rebuttal the Respondent has examined the Home Minister, Shri Hiteswar Saikia (P. W. 19) and R. R. 2 Shri D. K. Gangopadhyay, Deputy Commissioner Sibsagar R.W. 19 deposes that he does not know if any Janata Party Election vehicles were seized and their drivers detained by the Mariani Police. He says he did not instruct any police officer to do so, if they did so at all. He deposes, admitting the contents of Ext. R/7, that once he instructed the S. P., Jorhat, to take necessary actions against trucks carrying persons violating the provisions of the Motor Vehicles Act.

As stated above, the Petitioner or P. W. 12 or P.W. 19, has not been able to give the number of any of the vehicles alleged to have been seized. On the contrary R. W. 2 proves Ext. R/20, the Petitioner's return of election expenses, wherein the petitioner has given the registration numbers of the vehicles used by him in the election.

On a consideration of the entire evidence on the point, I find that the petitioner has failed to establish the allegation of seizure of his election vehicles and their detention and the detention of their drivers in the thana premises.

26. As I have held that the petitioner has failed to establish the allegations of corrupt practices committed by Hiteswar Saikia under Section 123(7) of the Act, the question of consent of the Respondent to such corrupt practices does not arise. But as the parties argued at some length. On the consent of the Respondent to the commission of the alleged corrupt practices by Hiteswar Saikia, I proceed to make a few observations.

There is no direct evidence as to the consent of the Respondent to the alleged acts of Hiteswar Saikia. Learned counsel for the Petitioner Submits that there are facts and circumstances from which an inference can be drawn that the Respondent consented to the corrupt practices.

One of the circumstances pointed out is that Hiteswar Saikia concentrated his election campaign in the Sibsagar Sub-Division part of the Jorhat Constituency. The evidence of the Petitioner is that Hiteswar Saikia, the Respondent and he were in the Sibsagar Circuit House and that the Petitioner saw the Respondent and Hiteswar Saikia talking about the election. But the Petitioner has not deposed that the Respondent requested Saikia to utilize or Saikia telling the Respondent that he would utilize, the police personnel for the election of the Respondents. The Petitioner has alleged in the election petition that Saikia was put in-charge of the Sibsagar Sub-Division part of the Jorhat Constituency. Saikia has denied it. His evidence is that the Congress High Command entrusted him with the Congress Election campaign in the North Eastern Region of India, which includes Assam, Nagaland, Meghalaya, Manipur, Tripura, Sikkim and the two Union Territories of Arunachal Pradesh and Mizoram. But from his evidence in cross-examination it appears that except Assam, he did not visit any other State or the Union Territory for the purpose of election. Even in Assam, he had only flying visit to the districts of Goalpara, Kamrup and Nowgong. Further evidence on the point is afforded by

documentary evidence, namely, Exts. R/18(5) and R/18(6) which are relevant entries in the Visitors' Book of the Sibsagar Circuit House, Exts. R/18, R/18(5) and R/18(6) are entries against serial numbers 45 and 47 showing the stay of Saikia for the periods 7-3-1977 to 9-3-1977 and 13-3-1977 to 21-3-1977 respectively, his total stay being 11 days. There is no evidence to show that Saikia similarly devoted in any other Constituencies in Assam or outside. In the circumstances there is no escape from the conclusion that Saikia concentrated himself in the Sibsagar Sub-Division part of the Jorhat Parliamentary Constituency. The fact of concentration of work in a particular Constituency may suggest consent of a candidate for carrying on his election campaign, but not necessarily consent to commit corrupt practices.

Another circumstance relied on by the Petitioner is the evidence of the Petitioner that he was told by the O/C of Mariani Police Station that the vehicle of the Janata Party and the drivers were detained in the Thana in the night of March, 18, on the instruction of the Home Minister, Saikia. The Respondent submitted that this piece of evidence of the Petitioner was inadmissible on the ground that it was hearsay.

The exact scope of the rule of hearsay is patently unclear, says Phipson.

A piece of evidence may be hearsay for one purpose but may not be so for another.

"Evidence is only hearsay when tendered to prove the truth of the facts asserted, not when tendered simply to show that the statement was made. Hearsay may be first hand, when a witness says what he heard someone else say, or second hand (or even more distant) when he relates what he was told that someone else said."

(See Halsbury's Laws of England, Vol. XVII, page 39, 4th Edition).

"Hearsay is always inadmissible as substantive evidence whether that evidence be elicited in examination or cross-examination. But hearsay may be admissible in cross-examination in so far as it touches the question of credibility of the witness examined."

(See Evidence by Woodroffe and Ameer Ali, 9th Edn. Page 515).

The above mentioned pieces of evidence of the Petitioner and P.W. 12 will be admissible under Section 60 of the Evidence Act, for, the Petitioner heard the O/C of Mariani Police Station telling them so, whatever might be its value. But it will not be admissible to prove that Hiteswar Saikia instructed the O/C of Mariani Police Station to seize the vehicles. In the latter case it will be hearsay.

Be that as it may, the evidence of the Petitioner that the vehicles and the drivers were seized and detained as instructed by the Home Minister, is worthless inasmuch as, the O/C of Mariani Police Station has not been examined; nor Hiteswar Saikia has admitted it in his evidence.

A few other minor circumstances were pointed out but they are not worth mention. In my opinion, even if the allegations of the Petitioner that Hiteswar Saikia utilized the police is believed, there is no evidence to show that the Respondent had his consent to such utilization.

27. Learned counsel for the Petitioner submitted, and in my opinion correctly, that even if the Petitioner failed to prove consent of the Respondent to the commission of corrupt practices by Hiteswar Saikia, the election of the respondent may not be set aside, but Saikia will be liable to be named under Section 99 of the Act. But Saikia is not liable to be named as the allegations of any of the corrupt practices alleged to have been committed by him have not been established.

28. While dealing with the evidence on the allegations of each of the corrupt practices alleged by the Petitioner in his election petition, learned counsel for the Respondent alternatively submitted that even if the allegations are held to be established, the evidence on record does not constitute the corrupt practices as alleged by the Petitioner. As I have found that the allegations on any of the corrupt practices alleged by the Petitioner have not been established by satisfactory and cogent evidence, I need not find on the alternative submissions of learned counsel.

29. As a result of the foregoing findings, the remaining Issues are decided as follows :

Issue No. 1

I have found above that the Petitioner has failed to establish the allegations of any of the corrupt practices alleged to have been committed by the Respondent No. 1. So it must be held that the Respondent No. 1 has not been proved to have committed any of the corrupt practices alleged in paras 1 to 26 and 35 of the election petition. As such the election of Respondent No. 1 is not liable to be declared void.

Issue No. 2

As I have found above that the Petitioner has failed to establish the allegations of corrupt practices alleged to have been committed by Shri Bijoy Handique, Election Agent of the Respondent, it must be held that Shri Bijoy Krishna Handique, the Election Agent of Respondent No. 1, has not been proved to have committed any of the corrupt practices alleged in paras 24, 27 and 28 of the election petition. The election of the Respondent No. 1 therefore, is not liable to be declared void.

Issue No. 3

It has been found above that none of the allegations of corrupt practices made in para 12, 13, 17 to 28, 29(a) to (c), 30, 31, 29 read with subparas (i) to (xiii) of para 32 and 36 of the election petition have been established by the Petitioner. As such it must be held that the Petitioner has failed to prove that the persons named in the above-mentioned paragraphs have committed the corrupt practices respectively alleged against them. The first part of the Issue is decided against the Petitioner. The question of commission of the corrupt practices by any of the persons named above, with the consent of the Respondent does not arise. The second part of the Issue, therefore, is answered in the negative.

Issue No. 4

I have held in Issue No. 3 that the Petitioner has failed to establish the allegations of corrupt practices made in clauses (a), (b) and (c) of para 29, paras 30, 31, sub-para (i) to (xiii) of para 32 read with para 29 of the election petition. Therefore, the commission of corrupt practices in favour, or otherwise, of the Respondent No. and whether the result of the election has been materially affected thereby, do not arise.

Issue No. 4 is decided against the Petitioner.

Issue No. 5

This Issue has not been pressed by the Petitioner and as such is decided against him.

Issue No. 7

In the result this Election Petition is dismissed. The Petitioner shall pay a total amount of costs of Rs. 1000.00 (Rupees one thousand only) to Respondent, Shri Tarun Gogoi.

Sd./-

BAHARUL ISLAM, Judge.

[No. 82/AS-HP/1/77]

P. B. DATTA, Under Secy.

बिधि, न्याय और कम्पनी कार्य मंत्रालय

(बिधायी विभाग)

नई दिल्ली, 10 मार्च, 1978

कां०भा० 802—केन्द्रीय सरकार, दरगाह खाजा साहिब अधिनियम, 1955 (1955 का 36) की धारा 10 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, राजस्थान सरकार से परामर्श करके नाजिम को, उक्त अधिनियम के अधीन उसके कृत्यों का पालन करने में सहाय्य देने के प्रयोजन के लिए और ऐसे अन्य प्रयोजनों के लिए भी, जो दरगाह

समिति की उपविधियों में विनिर्दिष्ट किए जाए, तत्काल प्रभाव से, एक सलाहकार समिति गठित करती है, जिसमें निम्नलिखित व्यक्ति होंगे, अर्थात् :—

1. मुहम्मद अयूब साहब, सदस्य, विधान सभा, तिजारा, जिला अलवर।
2. सैयद ईजहासुल हक साहब चिरती, इज्जत मंजिल, खादिम मोहल्ला, चाह अह्रत, अजमेर।
3. सैयद अब्दुल हलीम साहब चिरती, खादिम मोहल्ला, अजमेर।
4. शेख इनायत रसूल साहब, इमामबाड़ा के पास, अजमेर।
5. बरकत अली बुखारी साहब, रंगवाला, बड़ा बाजार, बीकानेर।
6. सैयद इकरामुल हक साहब, सेवा निवृत्त जिला और सत्र न्यायाधीश, हक विला, खजाना वालों का रास्ता, जयपुर।
7. ऐजाजुल नबी साहब, अधिवक्ता, मुंसमूं।

[सं० 11/3/76-वक्फ]

हसनूद्दीन अहमद, उप सचिव

MINISTRY OF LAW, JUSTICE & COMPANY AFFAIRS
(Legislative Department)

New Delhi, the 10th March, 1978

S.O. 802.—In exercise of the powers conferred by section 10 of the Durgah Khawaja Sahib Act, 1955 (36 of 1955), the Central Government, in consultation with the Government of Rajasthan, hereby constitutes, with immediate effect, an Advisory Committee for a period of one year for the purpose of advising the Nazim in the discharge of his functions under the said Act and also for such other purposes as may be specified in the bye-laws of the Durgah Committee, consisting of the following persons, namely :—

1. Mohd. Ayub Sahib, M.L.A. Tizara, District Alwar.
2. Syed Izharul Haq Sahib Chishty, Izzat Manzil, Khadim Mohalla, Chah Ahrat, Ajmer.
3. Syed Abdul Haleem Sahib Chishty, Khadim Mohalla, Ajmer.
4. Sheikh Inayat Rasool Sahib, Near Immam Bada, Ajmer.
5. Barkat Ali Bukhari Sahib, Rangawala, Bada Bazar, Bikaner.
6. Syed Ikramul Haq Sahib, Retd. Distt. & Sessions Judge, Haq Villa, Khazana Walon Ka Rasta, Jaipur.
7. Aijazul Nabi Sahib, Advocate, Jhunjhunu.

[No. 11/3/76-Wakf]

HASANUDDIN AHMED, Dy. Secy.

(न्याय विभाग)

नई दिल्ली, 14 मार्च, 1978

का० आ० 803.—केन्द्रीय सरकार, सरकारी स्थान (अप्राधिकृत अधिभोगियों को बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, नीचे की सारणी के स्तंभ (1) में उल्लिखित अधिकारी को जो सरकार के राजपत्रित रैंक का अधिकारी है उक्त अधिनियम के प्रयोजनार्थ सम्पदा अधिकारी नियुक्त करती है जो उक्त अधिनियम द्वारा या उसके अधीन सम्पदा अधिकारियों को प्रदत्त शक्तियों का प्रयोग और उन पर अधिरोपित कर्तव्यों का पालन सरकारी स्थानों के उन प्रयोगों की भावत करेगा जो उक्त सारणी के स्तंभ (2) में तत्स्थानी प्रविष्टि किए गए हैं।

सारणी

अधिकारी का पदाभिधान	सरकारी स्थानों के प्रयोग और अधिकारिता की स्थानीय परिसीमाएं
1	2
उप रजिस्ट्रार (प्रशासन)	शेर शाह रोड, नई दिल्ली, स्थित दिल्ली उच्च न्यायालय के प्रशासनिक नियंत्रण के अधीन के स्थानों की भावत।

[संख्या 29/9/77-न्याय]

भार० के० मजूमदार, अवर सचिव

(Department of Justice)

New Delhi, the 14th March, 1978

S.O. 803.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the officer mentioned in column (1) of the Table below being officer equivalent to the rank of a Gazetted Officer of the Government to be an Estate Officer for the purposes of the said Act, who shall exercise the powers conferred, and perform the duties imposed, on Estate Officers by or under the said Act, in respect of the categories of public premises specified in corresponding entry in column (2) of the said Table.

TABLE

Designation of the Officer	Categories of public premises and local limits of jurisdiction
1	2
Deputy Registrar (Administration)	In respect of the premises under the administrative control of Delhi High Court at Shershah Road, New Delhi.

[No. 29/9/77-Jus]

R.K. MAZUMDAR, Under Secy.

गृह मंत्रालय

(कार्मिक और प्रशासनिक सुधार विभाग)

नई दिल्ली, 10 मार्च, 1978

का० आ० 804.—दण्ड प्रक्रिया संहिता 1973 (1974 का 2) की धारा 24 की उपधारा (6) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा श्री राम जेठामलानी, एडवोकेट बम्बई को विचारण प्रपील और पुनरीक्षण न्यायालयों दिल्ली/नई दिल्ली/कलकत्ता में श्री भार० के० धवन तथा अन्यो के विरुद्ध अभियोजन तथा दिल्ली विशेष पुलिस स्थापना नियमित मामला संख्या 8/77-एफ० एस० (1) से उत्पन्न किसी अन्य मामले को भी पेशी करने के लिये विशेष लोक अभियोजक नियुक्त करती है।

[संख्या 225/72/77-एवीडी-2]

MINISTRY OF HOME AFFAIRS

(Department of Personnel and Administrative Reforms)

New Delhi, the 10th March, 1978

S.O. 804.—In exercise of the powers conferred by sub-section (6) of section 24 of the Code of Criminal Procedure, 1973 (2 of 1974), the Central Government hereby appoints Shri Ram Jethmalani, Advocate, Bombay as a special Public Prosecutor for conducting the prosecution and also any other matter arising out of the Delhi Special Police Establishment Regular Case No. 8/77-FS(I) against Shri R. K. Dhawan and others in the trial, appellate and revisional courts in Delhi/New Delhi/Calcutta.

[No. 225/72/77-AVD. II]

नई दिल्ली, 15 मार्च, 1978

क्र० आ० 805.—दण्ड प्रक्रिया संहिता, 1973 (1974 का 2) की धारा 24 की उप-धारा (6) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्द्वारा श्री एस० जी० मामन्त, एडवोकेट, बम्बई को नियमित मामला संख्या 47/72-विशेष पुलिस स्थापना-बम्बई में विशेष न्यायाधीश, बम्बई के कार्यालय द्वारा दोषसिद्धि के आरोप के विरुद्ध श्री एच० डी० मलानी, निरीक्षक, निरोधक सोमा शुल्क विभाग बम्बई द्वारा, बम्बई उच्च न्यायालय में बाधर की गई आपराधिक अपील की पैरवी करने के लिए विशेष-लोक अभियोजक के रूप में नियुक्त करती है।

[संख्या 225/7/78-ए० बी० डी०-II]

New Delhi, the 15th March, 1978

S.O. 805.—In exercise of the powers conferred by sub-section (6) of Section 24 of the Code of Criminal Procedure 1973 (2 of 1974), the Central Government hereby appoints Shri S. G. Samant, Advocate, Bombay, as a Special Public Prosecutor for conducting the Criminal Appeal filed in the Bombay High Court by Shri H. D. Malani, Inspector, Preventive Customs Department, Bombay, against the order of conviction of the Court of Special Judge, Bombay, in Regular Case No. 47/72-Special Police Establishment—Bombay.

[No. 225/7/78-AVD-II]

नई दिल्ली, 16 मार्च, 1978

क्र० आ० 806.—दण्ड प्रक्रिया संहिता, 1973 (1974 का 2) की धारा 24 की उप-धारा (6) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा श्री राम जेठमलानी, एडवोकेट, बम्बई को जांच, अपीलीय और पुनरीक्षण न्यायालय, दिल्ली/नई दिल्ली में श्रीमती इंदिरागांधी तथा अन्य के विरुद्ध अभियोजन का संचालन करने और दिल्ली विशेष पुलिस स्थापना नियमित मामला संख्या 9/77-एफ एस(1) से उत्पन्न किसी अन्य मामले की भी पैरवी करने के लिए, विशेष-लोक अभियोजनक नियुक्त करती है।

[संख्या 225/68/77-ए० बी० डी०-II(ii)]

New Delhi, the 16th March, 1978

S.O. 806.—In exercise of the powers conferred by sub-section (6) of Section 24 of the Code of Criminal Procedure 1973 (2 of 1974), the Central Government hereby appoints Shri Ram Jethmalani, Advocate, Bombay, as a special Public Prosecutor for conducting the prosecution and also any other matter arising out of the Delhi Special Police Establishment Regular Case No. 9/77-FS(I) against Smt. Indira Gandhi and others in the trial, appellate and revisional courts in Delhi/New Delhi.

[No. 225/68/77-AVD. II (ii)]

क्र० आ० 807.—दण्ड प्रक्रिया संहिता, 1973 (1973 का 2) की धारा 24 की उप-धारा (6) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्द्वारा श्री एस० बी० जयसिंघानी, अधिवक्ता बम्बई को श्रीमती इंदिरा गांधी तथा अन्य के विरुद्ध दिल्ली विशेष पुलिस स्थापना नियमित मामला 9/77-एफ० एस० (1) तथा उससे उत्पन्न अन्य मामलों का विचारण, अपीली तथा पुनरीक्षण न्यायालयों, दिल्ली/नई दिल्ली में अभियोजन का संचालन करने हेतु विशेष लोक-अभियोजक के रूप में नियुक्त करती है।

[संख्या 225/68/77-ए० बी० डी०-II(iii)]

टी० के० सुब्रमणियन, प्रवर सचिव

S.O. 807.—In exercise of the powers conferred by sub-section (6) of Section 24 of the Code of Criminal Procedure 1973 (2 of 1974), the Central Government hereby appoints Shri S. B. Jaisinghani, Advocate, Bombay, as a Special Public Prosecutor for conducting the prosecution and also any other matter arising out of the Delhi Special Police Establishment Regular Case No. 9/77-FS(I) against Smt. Indira Gandhi and others in the trial, appellate and revisional courts in Delhi/New Delhi.

[No. 225/68/77-AVD. II(iii)]

T. K. SUBRAMANIAN, Under Secy.

वित्त मंत्रालय

(राजस्व विभाग)

नई दिल्ली, 29 अक्टूबर, 1977

प्राय-कर

क्र० आ० 808.—सर्वसाधारण की जानकारी के लिए यह अधिसूचित किया जाता है कि निम्नलिखित वैज्ञानिक अनुसंधान कार्यक्रम को सचिव, विज्ञान और प्रौद्योगिकी विभाग, नई दिल्ली ने प्राय-कर अधिनियम, 1961 की धारा 35 की उपधारा (2 क) के प्रयोजनों के लिए नीचे विनिर्दिष्ट अवधि के लिए अनुमोदित किया है।

परियोजना का नाम	मेकेनिकली एंडेड हार्ड बैकुप्रम फ्रैक्चरेशन डिस्टिनेशन
प्रायोजन कर्ता	मैसर्स हिन्दुस्तान सीवर लिमिटेड मुम्बई।
प्रायोजन स्थान	रासायनिक प्रौद्योगिकी विभाग, मुम्बई विश्वविद्यालय
आरम्भ की तारीख	सितम्बर, 1977
पूर्ण होने की तारीख	सितम्बर/अक्टूबर, 1978
अनुमानित लागत	93,900 रु०

रासायनिक प्रौद्योगिकी विभाग मुम्बई, विश्वविद्यालय को वित्त मंत्रालय की अधिसूचना सं० 34 तारीख 23-11-1946 द्वारा पहले ही अनुमोदित किया गया है।

[सं० 2029 (फा० सं० 203/136/77-आई० टी० ए०-II)]

जे० पी० शर्मा, उप सचिव

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 29th October, 1977

INCOME TAX

S.O. 808.—It is hereby notified for general information that the following scientific research programme has been approved for the period scientific below for the purposes of sub-section (2A) of section 35 of the Income-tax Act, 1961, by the Secretary, the Department of Science & Technology, New Delhi.

Name of the Project: Mechanically Aided High Vacuum Fractionation/Distillation.

Sponsored By: M/s. Hindustan Lever Ltd., Bombay.

Sponsored At: Department of Chemical Technology, University of Bombay, Bombay.

Date of Commencement: September, 1977.

Date of Completion: September/October, 1978.

Estimated Cost: Rs. 93,900/- only.

The Deptt. of Chemical Technology, University of Bombay, Bombay stands approved *vide* Ministry of Finance Notification No. 34 dated the 23-11-1946.

[No. 2029/F.No. 203/136/77-ITA.II]

J. P. SHARMA, Under Secy.

नई दिल्ली, 17 मार्च, 1978

आदेश

का० आ० 809.—भारत सरकार के अपर सचिव ने, जिन्हें विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 की धारा 3 की उपधारा (1) के अर्थात् विनियम से तज्ञता किया गया है, उक्त अधिनियम की धारा 3 (1) के अधीन आदेश संख्या 673/1/78 सीमागुस्त-8 तारीख 1 फरवरी, 1978 जारी किया था जिसमें श्री कुन्जी मोहम्मद, कमरा नं० 16, बी० आई० टी० चॉल, नं० 5, इमाम बाड़ा रोड, डोंगरी, मुम्बई, को माल की तस्करी करने से रोकने की दृष्टि से, केन्द्रीय कारागार, मुम्बई में निरुद्ध करने और अभिरक्षा में रखने का निदेश दिया था; और

2. चूंकि केन्द्रीय सरकार को यह विश्वास करने का कारण है कि उपरोक्त व्यक्ति इस उद्देश्य से कि आदेश का मिष्पादन न हो सके करार हो गया है या स्वयं को छिपाये हुए है;

3. अतः केन्द्रीय सरकार विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 की धारा 7(1) (ख) के अधीन शक्तियों का प्रयोग करते हुए निदेश करता है कि उपरोक्त व्यक्ति इस आदेश के राजपत्र में प्रकाशन के सात दिन के भीतर पुलिस आयुक्त, बृहत्तर मुम्बई के समक्ष हाजिर हो।

[सं० 673/1/78-सी० गु०-8]

रतन थावानी, उप सचिव

New Delhi, the 17th March, 1978

ORDER

S.O. 809.—Whereas the Additional Secretary to the Government of India, specially empowered under sub-section (1) of section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974, issued order F. No. 673/1/78-Cus. VIII dated 1-2-1978 under section 3(1) ibid directing that Shri Kunji Mohamed, Room No. 16, B.I.T. Chawl, No. 5, Imamwada Road, Dongri, Bombay, be detained and kept in custody in the Central Prison, Bombay, with a view to preventing him from smuggling goods; and

2. Whereas the Central Government has reason to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. The Central Government in exercise of powers under section 7(1)(b) of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974, hereby direct the aforesaid person to appear before the Commissioner of Police, Greater Bombay, within seven days of the publication of this order in the Official Gazette.

[F. No. 673/1/78-Cus. VIII]
R. K. THAWANI, Dy. Secy.

नई दिल्ली, 20 मार्च, 1978

आदेश

स्टाम्प

का० आ० 810.—भारतीय स्टाम्प अधिनियम 1899 (1899 का 2) की धारा 9 की उप धारा (1) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा उस शुल्क को माफ करती है जो तमिलनाडु परिवहन विकास बिन निगम लिमिटेड, मद्रास द्वारा जारी किये जाने वाले ऋणपत्रों पर, उक्त निगम द्वारा वर्ष 1976-77 तथा 1977-78 के दौरान जारी किये गये क्रमशः पचास लाख और बीस लाख रुपये मूल्य के ऋणों (कुल सत्तर लाख रुपये मूल्य के ऋणपत्र) के संबंध में, उक्त अधिनियम के अधीन प्रभाव्य है।

[सं० 7/78-स्टाम्प-का० सं० 33/14/78-बि०का०]

एस० डी० रामस्वामी, अपर सचिव

New Delhi, the 20th March, 1978

ORDER

STAMPS

S.O. 810.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty with which the debentures to be issued by the Tamil Nadu Transport Development Finance Corporation Limited, Madras against loans floated by the said Corporation during the year 1976-77 and 1977-78 to the value of rupees fifty lakhs and twenty lakhs respectively (total debentures aggregating to the value of rupees seventy lakhs), are chargeable under the said Act.

[No. 7/Stamp-F. No. 33/14/78-ST]

S. D. RAMASWAMY, Under Secy.

(आवृत्त कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 4 मार्च, 1978

आदेश

का०आ० 811.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के खण्ड (ख) के साथ पठित धारा 45 की उपधारा 2 के द्वारा प्रदत्त शक्तियों को प्रयोग करते हुए केन्द्रीय सरकार उक्त धारा 45 की उपधारा (1) के अन्तर्गत भारतीय रिजर्व बैंक द्वारा किये गये आवेदन पत्र पर विचार करने के बाव दी विषयकर्मा कोआपरेटिव बैंक लि० बम्बई (जिसे इसके पश्चात् सहकारी बैंक कहा गया है) के संबंध में एतद्द्वारा 9 मार्च, 1978 को बैंक का कारोबार बन्द होने से लेकर, 8 सितम्बर, 1978 तक और उस दिन को मिलाकर अधिस्थगन आवेदन जारी करती है, जिसके अनुसार अधिस्थगन आवेदन की अवधि के दौरान सहकारी बैंक के निरुद्ध सभी कार्यवाहियों का शुरू किया जाना अथवा शुरू की गई कार्यवाहियों को जारी रखना स्थगित किया जाता है किन्तु शर्त यह है कि इस प्रकार के स्थगन का किसी भी प्रकार से महाराष्ट्र सहकारी समिति अधिनियम, 1949 के अंतर्गत महाराष्ट्र सरकार द्वारा प्रयोग में लाये जाने वाले उसके अधिकारों पर प्रतिकूल प्रभाव नहीं पड़े।

2. केन्द्रीय सरकार एतद्द्वारा यह निदेश देती है कि उसे स्वीकृत अधिस्थगन की अवधि के दौरान सहकारी बैंक भारतीय रिजर्व बैंक की लिखित पुर्वानुमति के बिना कोई ऋण अथवा अधिम नहीं देगा, किसी प्रकार का दायित्व स्वीकार नहीं करेगा, कोई निवेश नहीं करेगा अथवा अपने दायित्वों और देनदारियों के संबंध में अथवा अन्यथा किसी प्रकार की अदायगी नहीं करेगा अथवा अदायगी करना स्वीकार नहीं करेगा अथवा किसी प्रकार का समझौता अथवा ठहराव नहीं करेगा किन्तु वह निम्नलिखित तरोके से और निम्नलिखित सीमा तक दायित्व अदायगियां अथवा खर्च करेगा:—

(1) प्रत्येक बचत बैंक अथवा चालू खाते अथवा किसी भी नाम से पुकारे जाने वाले किसी अन्य जमा खाते में शेष रकम में से निम्नलिखित राशि तक:—

जमा रकम	बैक रकम
25 रुपये तक	पूरा
25 रुपये से अधिक	जमा का 10 प्रतिशत अथवा 25 रुपये जो भी अधिक हो :

बशर्ते कि प्रदा को गयी रकम की कुल सीमा किसी एक व्यक्ति (किसी अन्य व्यक्ति के साथ संयुक्त खाते में नहीं) के नाम खाते में जमा कुल राशि के 10 प्रतिशत से अधिक अथवा 25 रुपये, इनमें जो भी अधिक हो, उससे ज्यादा न हो।

यह भी शर्त है कि ऐसे किसी व्यक्ति को कोई रकम प्रदा नहीं की जाएगी जो किसी प्रकार से सहकारी बैंक का कर्जदार हो।

(2) बैंक द्वारा जारी किये गये ऐसे किसी ड्राफ्ट, पे-ऑर्डर अथवा चेकों की राशि जिसका भुगतान स्थगन आदेश लागू होने की तारीख तक न किया गया हो।

(3) 4 मार्च, 1978 को अथवा उससे पूर्व भुगतान के लिए प्राप्त टुण्डियों और उस तारीख से पहले, उस तारीख को या उस तारीख से बाद वसूल की गयी टुण्डियों की राशियों।

(4) ऐसा कोई व्यय जो किसी सहकारी बैंक के द्वारा अथवा उसके विशद दायर किए गए मुकदमे, अपील, अथवा सहकारी बैंक द्वारा या उसके विशद ली गयी डिग्री या बैंक को मिलने वाली किसी रकम को वसूल करने के संबंध में करना आवश्यक हो।

बशर्ते कि प्रत्येक मुकदमे, अपील अथवा डिग्री के संबंध में किए जाने वाले व्यय की रकम 250 रुपये से अधिक हो तो खर्च करने से पहले भारतीय रिजर्व बैंक को लिखित अनुमति ली जाएगी, और

(5) किसी अन्य मद पर कोई व्यय, जहाँ तक कि वह व्यय सहकारी बैंक के विचार से बैंक का दैनिक प्रशासन चलाने के लिए करना आवश्यक हो।

बशर्ते कि जहाँ किसी एक केलेण्डर मास में किसी मद पर किया गया कुल खर्च अधिस्थगन आदेश से पहले के छः केलेण्डर महानों में उस मद पर किए गए औसत मासिक व्यय से बढ़ जाता हो, अथवा जहाँ उस मद के संबंध में कोई व्यय नहीं किया गया हो और ऐसी मदों पर किया जाने वाला व्यय 250 रुपये से बढ़ जाए तो उस प्रकार का व्यय करने से पूर्व भारतीय रिजर्व बैंक की लिखित रूप में अनुमति ली जाएगी।

3. केन्द्रीय सरकार एतद्वारा यह भी निदेश देती है कि सहकारी बैंक को स्वीकृत अधिस्थगन की अवधि के दौरान

(क) सहकारी बैंक निम्नलिखित और प्रदायगियां कर सकेगा, अर्थात् सरकारी प्रतिभूतियों अथवा अन्य प्रतिभूतियों पर महाराष्ट्र सरकार अथवा महाराष्ट्र स्टेट कोऑपरेटिव बैंक लिमिटेड अथवा भारतीय स्टेट बैंक अथवा इसके किन्हीं सहायक बैंकों या किसी अन्य बैंक द्वारा सहकारी बैंक को दिये गये ऋणों अथवा अधिमों, जो अधिस्थगन आदेश के प्रभावी होने की तारीख को चुकाए जाने शेष थे, को वापसी के लिए रकम आवश्यक हों ;

(ख) सहकारी बैंक को पूर्वोक्त प्रदायगियां करने के लिए महाराष्ट्र कोऑपरेटिव बैंक लि० अथवा किसी अन्य बैंक के साथ अपने खाते में लेन-देन कर सकता है।

परन्तु इस आदेश का ऐसा कोई भाग्य नहीं होगा कि सहकारी बैंक को किसी रकम के लिए जाने से पहले महाराष्ट्र कोऑपरेटिव बैंक लि०

अथवा वैसे किसी अन्य बैंक को इस संवत् में अपने आपको अधिस्त करना होगा कि इस आदेश द्वारा लगाई गई शर्तों का बैंक द्वारा पालन किया जा रहा है ;

(ग) सहकारी बैंक, उन टुण्डियों को, जो वसूल न की गयी हों, उनको प्राप्त करने के हकदार व्यक्ति के अनुरोध पर लौटा सकेगा यदि सहकारी बैंक का उन टुण्डियों पर कोई अधिकार अथवा हक न हो अथवा वैसे टुण्डियों में उसका कोई हित न हो ;

(घ) सहकारी बैंक ऐसे माल अथवा प्रतिभूतियों को, जो इस (बैंक) के पास किसी ऋण, नकद कर्ज अथवा ओवर-ड्राफ्ट के बदले गिरवी, वृष्टि-बन्धक अथवा बन्धक रखे गये हों अथवा अन्यथा प्रभारित की गयी हो, निम्नलिखित मामलों में छोड़ अथवा दे सकेगा ;

(1) किसी ऐसे मामले में जहाँ यथास्थिति ऋणकर्ता या ऋणकर्ताओं, से मिलने वाली सारी रकम सहकारी बैंक द्वारा बिना शर्त प्राप्त की गयी है, और

(2) किसी अन्य मामले में निदिष्ट अनुपातों से नीचे अथवा उन अनुपातों से नीचे जो अधिस्थगन आदेश के प्रभावी होने से पहले लागू थे, इनमें जो भी ऊँचे हों, उक्त माल और प्रतिभूतियों पर माजिन के अनुपातों को कम किये बिना उतनी रकम जितनी आवश्यक अथवा सम्भव हो।

[सं० एफ० 8-6/78-ए०सी०]

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 4th March, 1978

ORDER

S.O. 811.—In exercise of the powers conferred by sub-section (2) of section 45, read with clause (zb) of section 56 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, after considering the application made by the Reserve Bank of India under sub-section (1) of the said section 45, hereby makes an order of moratorium in respect of the Vishvakarma Co-operative Bank Ltd. Bombay (hereinafter referred to as the Co-operative Bank), for the period from the close of business on the 9th March, 1978 upto and inclusive of the 8th September, 1978 staying the commencement or continuance of all actions and proceedings against the Co-operative Bank during the period of moratorium, subject to the condition that such stay shall not in any manner prejudice the exercise by the Government of Maharashtra of its powers under the Maharashtra Co-operative Societies Act, 1960.

2. The Central Government hereby directs that, during the period of the moratorium granted to it, the Co-operative Bank shall not, without the prior permission in writing of the Reserve Bank of India, grant any loan or advance, incur any liability, make any investment or make or agree to make any payment, whether in discharge of its liabilities or obligations or otherwise, or enter into any compromise or arrangement, except making of payments, or incurring of expenditure, as the case may be, to the extent and in the manner provided hereunder —

(i) out of the balance in every savings bank or current account or in any other deposit account, by whatever name called, a sum not exceeding the following :

Deposit amount	Amount payable
Upto Rs. 25	In full
Above Rs. 25	10% of the deposit or Rs. 25 whichever is higher :

Provided that the sum total of the amount paid in respect of the accounts standing in the name of any one person (and not jointly with that of any other person) does not exceed 10% of total deposit. or Rs. 25, whichever is higher:

Provided further that no amount shall be paid to any depositor who is indebted to the Co-operative Bank in any way;

- (ii) the amounts of any drafts or pay orders or cheques issued by the Co-operative Bank and remaining unpaid on the date on which the order of moratorium comes into force;
- (iii) the amounts of the bills received for collection on or before 9th March, 1978 whether realized before, on or after that date;
- (iv) any expenditure which has necessarily to be incurred in connection with any suits or appeals filed by or against, or decrees obtained by or against, the Co-operative Bank, or for realizing any amounts due to it:

Provided that if the expenditure in respect of each such suit or appeal or decree is in excess of Rs. 250, the permission in writing of the Reserve Bank of India shall be obtained before the expenditure is incurred; and

- (v) any expenditure on any other item in so far as it is in the opinion of the Co-operative Bank necessary for carrying on the day-to-day administration of the Co-operative Bank :

Provided that where the total expenditure on any item in any calendar month exceeds the average monthly expenditure on account of that item during the six calendar months preceding the order of moratorium, or, where no expenditure has been incurred on account of that item during the said period and the expenditure on such item exceeds a sum of Rs. 250, the permission in writing of the Reserve Bank of India shall be obtained before the expenditure is incurred.

3. The Central Government hereby also directs that, during the period of the moratorium granted to it, the Co-operative Bank—

- (a) may make the following further payments, namely, the amounts necessary for repaying loans or advances granted against Government securities or other securities to the Co-operative Bank by the Government of Maharashtra or the Maharashtra State Co-operative Bank Ltd., or the State Bank of India or any of its subsidiaries or by any other bank and remaining unpaid on the date on which the order of moratorium comes into force ;
- (b) may operate its accounts with the Maharashtra State Co-operative Bank Ltd., or with any other bank for the purposes of making the payments aforesaid :

Provided that nothing in this order shall be deemed to require the Maharashtra State Co-operative Bank Ltd., or such other bank to satisfy itself that the conditions imposed by this order are being observed before any amounts are released in favour of the Co-operative Bank;

- (c) may return any bills which have remained unrealized to the persons entitled to receive them on a request being made in this behalf by such persons, if the Co-operative Bank has no right or title to, or interest in such bills;
- (d) may release or deliver goods or securities which have been pledged, hypothecated or mortgaged or otherwise charged to it against any loan, cash credit or overdraft, in the manner and to the extent—
 - (i) in any case in which full payment towards all the amounts due from the borrower or borrowers, as the case may be, has been received by the Co-operative Bank, unconditionally, and
 - (ii) in any other case, to such an extent as may be necessary or possible without reducing the proportions of the margins on the said goods or securities below the stipulated proportions, or the proportions which were maintained before the order of moratorium came into force, whichever may be higher.

[No. F. 8-6/78-AC]

आदेश

क्र०आ० 812.—बैंककारी विनियमन अधिनियम 1949 (1949 का 10) की धारा 56 के खण्ड (ख) के साथ पठित धारा 45 की उप-धारा 2 के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त धारा 45 की उपधारा (1) के अंतर्गत भारतीय रिजर्व बैंक द्वारा किये गये आदेशों पर विचार करने के बाद दी प्रभादेवी जनता सहकारी बैंक लि०, बम्बई (जिसे इसके पश्चात् सहकारी बैंक कहा गया है) के सम्बन्ध में एतद्वारा 9 मार्च, 1978 को बैंक का कारोबार बन्द होने से लेकर, 8 सितम्बर, 1978 तक और उस दिन को मिलाकर अधिस्थगन आदेश जारी करती है, जिसके अनुसार अधिस्थगन आदेश की प्रवधि के दौरान सहकारी बैंक के विरुद्ध सभी कार्यवाहियों का शुरू किया जाना अथवा शुरू की गई कार्यवाहियों को जारी रखना स्थगित किया जाता है किन्तु शर्त यह है कि इस प्रकार के स्थगन का किसी भी प्रकार से महाराष्ट्र सहकारी समिति अधिनियम, 1949 के अंतर्गत महाराष्ट्र सरकार द्वारा प्रयोग में लाये जाने वाले उसके अधिकारों पर प्रतिकूल प्रभाव नहीं पड़े।

2. केन्द्रीय सरकार एतद्वारा यह निदेश देती है कि उसे स्वीकृत अधिस्थगन की प्रवधि के दौरान सहकारी बैंक भारतीय रिजर्व बैंक की लिखित पुर्नानुमति के बिना कोई ऋण अथवा अधिम नहीं देगा, किसी प्रकार का दायित्व स्वीकार नहीं करेगा, कोई निवेश नहीं करेगा अथवा अपने दायित्वों और देनदारियों के संबंध में अथवा अन्यथा किसी प्रकार की प्रदायगी नहीं करेगा अथवा प्रदायगी करना स्वीकार नहीं करेगा अथवा किसी प्रकार का समझौता अथवा ठहराव नहीं करेगा किन्तु वह निम्नलिखित तरीके से और निम्नलिखित सीमा तक यथास्थिति प्रदायगिता प्रदायगा खर्च करेगा:—

(1) प्रत्येक वधत बैंक अथवा बाबू खाते अथवा किसी भी नाम से पुकारे जाने वाले किसी अन्य जमा खाते में जोष रकम में से निम्नलिखित राशि तक:—

जमा रकम	देय रकम
25 रुपये तक	पूरा
25 रुपये से अधिक	जमा का 10 प्रतिशत अथवा 25 रुपये जो भी अधिक हो :

बशर्त कि धरा को गयी रकम की कुल सीमा किसी एक व्यक्ति (किसी अन्य व्यक्ति के साथ संयुक्त खाते में नहीं) के नाम खाते में जमा कुल राशि के 10 प्रतिशत से अधिक अथवा 25 रुपये, इनमें जो भी अधिक हो, उससे ज्यादा न हो।

यह भी शर्त है कि ऐसे किसी व्यक्ति को कोई रकम धरा नहीं की जाएगी जो किसी प्रकार से सहकारी बैंक का कर्जदार हो।

(2) बैंक द्वारा जारी किये गये ऐसे किसी ड्राफ्ट, पे-ऑर्डर अथवा चेकों की राशि जिसका भुगतान स्थगन आदेश लागू होने की तारीख तक न किया गया हो।

(3) 4 मार्च, 1978 को अथवा उससे पूर्व भुगतान के लिए प्राप्त हुण्डियों और उस तारीख से पहले, उस तारीख को या उस तारीख के बाद वसूल की गयी हुण्डियों की राशियों।

(4) ऐसा कोई व्यय जो किसी सहकारी बैंक के द्वारा अथवा उसके विरुद्ध वापर किए गए मुकदमे, अपील, अथवा सहकारी बैंक द्वारा या उसके विरुद्ध ली गई डिगरी या बैंक को मिलने वाली किसी रकम को वसूल करने के संबंध में करना आवश्यक हो।

बशर्त कि प्रत्येक मुकदमे, अपील अथवा डिगरी के संबंध में किए जाने वाले व्यय की रकम 250 रुपये से अधिक हो तो खर्च करने से पहले भारतीय रिजर्व बैंक की लिखित अनुमति ली जाएगी ; और

(5) किसी अन्य मद पर कोई व्यय, जहां तक कि वह व्यय सहकारी बैंक के विचार से बैंक का दैनिक प्रशासन चलाने के लिए करना आवश्यक हो।

यद्यपि कि जहां किसी एक कैलेंडर मास में किसी मद पर किया गया कुल खर्च अधिस्थगन आदेश से पहले के छः कैलेंडर महीनों में उस मद पर किए गए औसत मासिक व्यय से बढ़ जाता हो, अथवा जहां उस मद के संबंध में कोई व्यय नहीं किया गया हो और ऐसी मदों पर किया जाने वाला व्यय 250 रुपये से बढ़ जाए तो उस प्रकार का व्यय करने से पूर्व भारतीय रिजर्व बैंक की लिखित रूप में अनुमति ली जाएगी।

3. केन्द्रीय सरकार एतद्वारा यह भी निदेश देती है कि सहकारी बैंक का स्वीकृत अधिस्थगन की अवधि के दौरान

(क) सहकारी बैंक निम्नलिखित और अदायगियां कर सकेगा, अर्थात् सरकारी प्रतिभूतियों अथवा अन्य प्रतिभूतियों पर महाराष्ट्र सरकार अथवा महाराष्ट्र स्टेट कोऑपरेटिव बैंक लिमिटेड अथवा भारतीय स्टेट बैंक अथवा इसके किसी सहायक बैंकों या किसी अन्य बैंक द्वारा सहकारी बैंक को बिये गये ऋणों अथवा अग्रिमों, जो अधिस्थगन आदेश के प्रभावी होने की तारीख को चुकाए जाने शेष थे, की वापसी के लिए एकम आवश्यक हों;

(ख) सहकारी बैंक को पूर्वोक्त अदायगियां करने के लिए महाराष्ट्र कोऑपरेटिव बैंक लि० अथवा किसी अन्य बैंक के साथ अपने खाते में सेन-वेन कर सकता है।

परन्तु इस आदेश का ऐसा कोई आशय नहीं होगा कि सहकारी बैंक को किसी रकम के लिए जाने से पहले महाराष्ट्र कोऑपरेटिव बैंक लि० अथवा बैंक किसी अन्य बैंक को इस संबंध में अपने आपको प्रवृत्त करना होगा कि इस आदेश द्वारा लगाई गई शर्तों का बैंक द्वारा पालन किया जा रहा है;

(ग) सहकारी बैंक, उन ऋणियों को, जो वसूल न की गयी हों, उनको प्राप्त करने के हकदार व्यक्ति के अनुरोध पर लौटा सकेगा यदि सहकारी बैंक का उन ऋणियों पर कोई अधिकार अथवा हक न हो अथवा बैंक ऋणियों में उसका कोई हित न हो।

(घ) सहकारी बैंक ऐसे माल अथवा प्रतिभूतियों को, जो इस (बैंक) के पास किसी ऋण, नकद कर्ज अथवा मोवर-ड्राफ्ट के बदले गिरवी, बुद्धि-बंधक अथवा बंधक रखी गयी हों अथवा अन्यथा प्रसारित की गयी हों, निम्नलिखित मामलों में छोड़ अथवा वे सकेगा।

(1) किसी ऐसे मामले में जहां यथास्थिति ऋणकर्ता या ऋणकर्ताओं, से मिलने वाली सारी रकम सहकारी बैंक द्वारा बिना शर्त प्राप्त की गयी है; और

(2) किसी अन्य मामले में निरिष्ट अनुपातों से नीचे अथवा उन अनुपातों से नीचे जो अधिस्थगन आदेश के प्रभावी होने से पहले लागू थे, इनमें जो भी ऊंचे हों, उक्त मास और प्रतिभूतियों पर माजिन के अनुपातों को कम किये बिना उतनी रकम जितनी आवश्यक अथवा संभव हो।

[सं० एक० 8-6/78-ए०सी०]

ORDER

8.0. 812.—In exercise of the powers conferred by sub-section (2) of section 45, read with clause (zb) of section 56 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, after considering the application made by the Reserve Bank of India under sub-section (1) of the said section 45, hereby makes an order of moratorium in respect of the Prabhadevi Janata Sahakari Bank Ltd., Bombay (hereinafter referred to as the Co-operative Bank), for the period from the close of business on the 9th March, 1978 upto and inclusive of the 8th September, 1978 staying the commencement or continuance of all actions and proceedings against the Co-operative Bank during the period of moratorium, subject to the condition that such stay shall not in any manner prejudice the exercise by the Government of Maharashtra of its powers under the Maharashtra Co-operative Societies Act, 1960.

2. The Central Government hereby directs that, during the period of the moratorium granted to it, the Co-operative Bank shall not, without the prior permission in writing of the Reserve Bank of India, grant any loan or advance, incur any liability, make any investment or make or agree to make any payment, whether in discharge of its liabilities or obligations or otherwise, or enter into any compromise or arrangement, except making of payments, or incurring of expenditure, as the case may be, to the extent and in the manner provided hereunder :—

(i) out of the balance in every savings bank or current account or in any other deposit account, by whatever name called, a sum not exceeding the following :—

Deposit amount	Amount payable
Upto Rs. 25	In full
Above Rs. 25	10% of the deposit or Rs. 25 whichever is higher.

Provided that the sum total of the amounts paid in respect of the accounts standing in the name of any one person (and not jointly with that of any other person) does not exceed 10% of total deposit, or Rs. 25, whichever is higher :

Provided further that no amount shall be paid to any depositor who is indebted to the Co-operative Bank in any way;

(ii) the amounts of any drafts or pay orders or cheques issued by the Co-operative Bank and remaining unpaid on the date on which the order of moratorium comes into force;

(iii) the amounts of the bills received for collection on or before 9th March, 1978 whether realized before, on or after that date,

(iv) any expenditure which has necessarily to be incurred in connection with any suits or appeals filed by or against, or decrees obtained by or against, the Co-operative Bank, or for realizing any amounts due to it;

Provided that if the expenditure in respect of each such suit or appeal or decree is in excess of Rs. 250, the permission in writing of the Reserve Bank of India shall be obtained before the expenditure is incurred ; and

(v) any expenditure on any other item in so far as it is in the opinion of the Co-operative Bank necessary for carrying on the day-to-day administration of the Co-operative Bank;

Provided that where the total expenditure on any item in any calendar month exceeds the average monthly expenditure on account of that item during the six calendar months preceding the order of moratorium, or, where no expenditure has been incurred on account of that item during the said period and the expenditure on such item exceeds a sum of Rs. 250, the permission in writing of the Reserve Bank of India shall be obtained before the expenditure is incurred.

3. The Central Government hereby also directs that, during the period of the Moratorium granted to it, the Co-operative Bank—

(a) may make the following further payments, namely, the amounts necessary for repaying loans or advances granted against Government securities or other securities to the Co-operative Bank by the Government of Maharashtra or the Maharashtra State Co-operative Bank Ltd., or the State Bank of India or any of its subsidiaries or by any other bank and remaining unpaid on the date on which the order of moratorium comes into force;

(b) may operate its accounts with the Maharashtra State Co-operative Bank Ltd., or with any other bank for the purposes of making the payments aforesaid;

Provided that nothing in this order shall be deemed to require the Maharashtra State Co-operative Bank Ltd. or such other bank to satisfy itself that the conditions imposed by this order are being observed before any amounts are released in favour of the Co-operative Bank;

- (c) may return any bills which have remained unrealized to the persons entitled to receive them on a request being made in this behalf by such persons, if the Co-operative Bank has no right or title to, or interest in such bills;
- (d) may release or deliver goods or securities which have been pledged, hypothecated or mortgaged or otherwise charged to it against any loan, cash credit or overdraft, in the manner and to the extent :—
- (i) in any case in which full payment towards all the amounts due from the borrower or borrowers, as the case may be, has been received by the Co-operative Bank, unconditionally; and
- (ii) in any other case, to such an extent as may be necessary or possible, without reducing the proportions of the margins on the said goods or securities below the stipulated proportions, or the proportions which were maintained before the order of moratorium came into force, whichever may be higher.

[No. F. 8-6/78-AC]

आदेश

का०आ० 813.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के खण्ड (यख) के साथ पठित धारा 45 की उप-धारा 2 के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त धारा 45 की उपधारा (1) के अंतर्गत भारतीय रिजर्व बैंक द्वारा किये गये आवेदन पत्र पर विचार करने के बाद दो दोहद सैफी कोपरेटिव बैंक लि० बम्बई (जिसे इसके पश्चात् सहकारी बैंक कहा गया है) के संबंध में एतद्वारा 9 मार्च, 1978 को बैंक का कारोबार बन्द होने से लेकर, 8 सितम्बर, 1978 तक और उस दिन को मिलाकर अधिस्थगन आदेश जारी करती है, जिसके अनुसार अधिस्थगन आदेश की अवधि के दौरान सहकारी बैंक के विरुद्ध सभी कार्यवाहियों का शुरू किया जाना अथवा शुरू की गई कार्यवाहियों को जारी रखना स्थगित किया जाता है किन्तु शर्त यह है कि इस प्रकार के स्थगन का किसी भी प्रकार से महाराष्ट्र सहकारी समिति अधिनियम, 1949 के अंतर्गत महाराष्ट्र सरकार द्वारा प्रयोग में लाये जाने वाले उसके अधिकारों पर प्रतिकूल प्रभाव नहीं पड़े।

2. केन्द्रीय सरकार एतद्वारा यह निदेश देती है कि उसे स्वीकृत अधिस्थगन की अवधि के दौरान सहकारी बैंक भारतीय रिजर्व बैंक की लिखित पुर्नानुमति के बिना कोई ऋण अथवा अधिम नहीं देगा, किसी प्रकार का दायित्व स्वीकार नहीं करेगा, कोई निवेश नहीं करेगा अथवा अपने दायित्वों और देनदारियों के संबंध में अथवा अन्यथा किसी प्रकार की अदायगी नहीं करेगा अथवा; अदायगी करना स्वीकार नहीं करेगा अथवा किसी प्रकार का समझौता अथवा ठहराव नहीं करेगा किन्तु वह निम्नलिखित तरीके से और निम्नलिखित सीमा तक सहाय्यता अथवा अथवा खर्च करेगा :—

(1) प्रत्येक बचत बैंक अथवा बालू खाते अथवा किसी भी नाम से पुकारे जाने वाले किसी अन्य जमा खाते में शेष रकम में से निम्नलिखित राशि तक :—

जमा रकम	वेध रकम
25 रुपये तक	पूरा
25 रुपये से अधिक	जमा का 10 प्रतिशत अथवा 25 रुपये जो भी अधिक हो।

बशर्त कि अथवा की गई रकम की कुल सीमा किसी एक व्यक्ति (किसी अन्य व्यक्ति के साथ संयुक्त खाते में नहीं) के नाम खाते में जमा कुल राशि के 10 प्रतिशत से अधिक अथवा 25 रुपये, इनमें जो भी अधिक हो, उससे ज्यादा न हो।

यह भी शर्त है कि ऐसे किसी व्यक्ति को कोई रकम अथवा नहीं की जाएगी जो किसी प्रकार से सहकारी बैंक का कर्जदार हो।

(2) बैंक द्वारा जारी किये गये ऐसे किसी ड्राफ्ट, चेन्सर्डर अथवा चेकों की राशि जिसका भुगतान स्थगन आदेश लागू होने की तारीख तक न किया गया हो।

(3) 4 मार्च, 1978 को अथवा उससे पूर्व भुगतान के लिए प्राप्त हुण्डियों और उस तारीख से पहले, उस तारीख को या उस तारीख के बाद वसूल की गयी हुण्डियों की राशियों ;

(4) ऐसा कोई व्यय जो किसी सहकारी बैंक के द्वारा अथवा उसके विरुद्ध दायर किए गए मुकदमे, अपील, अथवा सहकारी बैंक द्वारा या उसके विरुद्ध ली गयी डिग्री या बैंक को मिलने वाली किसी रकम को वसूल करने के संबंध में करना आवश्यक हो।

बशर्त कि प्रत्येक मुकदमे, अपील अथवा डिग्री के संबंध में किए जाने वाले व्यय की रकम 250 रुपये से अधिक हो तो खर्च करने से पहले भारतीय रिजर्व बैंक की लिखित अनुमति ली जाएगी ; और

(5) किसी अन्य सब पर कोई व्यय, जहां तक कि वह व्यय सहकारी बैंक के विचार से बैंक का दैनिक प्रशासन चलाने के लिए करना आवश्यक हो।

बशर्त कि जहां किसी एक केलेण्डर मास में किसी मद पर किया गया कुल खर्च अधिस्थगन आदेश से पहले के छः केलेण्डर मासों में उस मद पर किए गए औसत मासिक व्यय से बढ़ जाता हो, अथवा जहां उस मद के संबंध में कोई व्यय नहीं किया गया हो और ऐसी मदों पर किया जाने वाला व्यय 250 रुपये से बढ़ जाए तो उस प्रकार का व्यय करने से पूर्व भारतीय रिजर्व बैंक की लिखित रूप में अनुमति ली जाएगी।

3. केन्द्रीय सरकार एतद्वारा यह भी निदेश देती है कि सहकारी बैंक की स्वीकृत अधिस्थगन की अवधि के दौरान

(क) सहकारी बैंक निम्नलिखित और अदायगियां कर सकेगा, अथवा सरकारी प्रतिभूतियों अथवा अन्य प्रतिभूतियों पर महाराष्ट्र सरकार अथवा महाराष्ट्र स्टेट कोपरेटिव बैंक लिमिटेड अथवा भारतीय स्टेट बैंक अथवा इसके किन्ही सहायक बैंकों या किसी अन्य बैंक द्वारा सहकारी बैंक को दिये गये ऋणों अथवा अधिमों, जो अधिस्थगन आदेश के प्रभावी होने की तारीख को चुकाए जाने शेष थे, की वापसी के लिए रकम आवश्यक हों ;

(ख) सहकारी बैंक को पूर्वोक्त अदायगियां करने के लिए महाराष्ट्र कोपरेटिव बैंक लि० अथवा किसी अन्य बैंक के साथ अपने खाते में सेन-देन कर सकता है।

परन्तु इस आदेश का ऐसा कोई प्राण्य नहीं होगा कि सहकारी बैंक को किसी रकम के लिए जाने से पहले महाराष्ट्र कोपरेटिव बैंक लि० अथवा वैसे किसी अन्य बैंक को इस संबंध में अपने आपको अवस्त करना होगा कि इस आदेश द्वारा लगाई गई शर्तों का बैंक द्वारा पालन किया जा रहा है ;

(ग) सहकारी बैंक, उन हुण्डियों को, जो वसूल न की गई हों, उनको प्राप्त करने के हकदार व्यक्ति के अनुरोध पर लौटा सकेगा यदि सहकारी बैंक का उन हुण्डियों पर कोई अधिकार अथवा हक न हो अथवा वैसे हुण्डियों में उसका कोई हित न हो।

(घ) सहकारी बैंक ऐसे माल अथवा प्रतिभूतियों को, जो इस (बैंक) के पास किसी ऋण, नकद कर्ज अथवा ओवर-ड्राफ्ट के बदले गिरवी, दृष्टि-बन्धक अथवा बन्धक रखी गयी हों अथवा अन्यथा प्रभारित की गयी हों, निम्नलिखित मामलों में छोड़ अथवा दे सकेगा ;

- (1) किसी ऐसे मामले में जहाँ यथास्थिति ऋणकर्ता या ऋणकर्ताओं, से मिलने वाली सारी रकम सहकारी बैंक द्वारा बिना शर्त प्राप्त की गयी है, और
- (2) किसी अन्य मामले में निर्दिष्ट अनुपातों से नीचे अथवा उन अनुपातों से नीचे जो अधिस्थगन आदेश के प्रभावी होने से पहले लागू थे, इनमें जो भी ऊँचे हों, उक्त माल और प्रतिभूतियों पर भाजित के अनुपातों को कम किये बिना उतनी रकम जितनी आवश्यक अथवा संभव हो।

[सं० एफ० 8-6/78-ए०सी०]

ORDER

S.O. 813.—In exercise of the powers conferred by sub-section (2) of section 45, read with clause (zb) of section 56 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, after considering the application made by the Reserve Bank of India under sub-section (1) of the said section 45, hereby makes an order of moratorium in respect of the Dohad Saifee Co-operative Bank Ltd., Bombay (hereinafter referred to as the Co-operative Bank), for the period from the close of business on the 9th March, 1978 upto and inclusive of the 8th September, 1978 staying the commencement or continuance of all actions and proceedings against the Co-operative Bank during the period of moratorium, subject to the condition that such stay shall not in any manner prejudice the exercise by the Government of Maharashtra of its powers under the Maharashtra Cooperative Societies Act, 1960.

2. The Central Government hereby directs that, during the period of the moratorium granted to it, the Co-operative Bank shall not, without the prior permission in writing of the Reserve Bank of India, grant any loan or advance, incur any liability, make any investment or make or agree to make any payment, whether in discharge of its liabilities or obligations or otherwise, or enter into any compromise or arrangement, except making of payments, or incurring of expenditure, as the case may be, to the extent and in the manner provided hereunder—

- (i) out of the balance in every savings bank or current account or in any other deposit account, by whatever name called, a sum not exceeding the following :—

Deposit amount	Amount payable
Upto Rs. 25	In full
Above Rs. 25	100 per cent of the deposit or Rs. 25 whichever is higher.

Provided that the sum total of the amounts paid in respect of the accounts standing in the name of any one person (and not jointly with that of any other person) does not exceed 10 per cent of total deposit, or Rs. 25, whichever is higher :

Provided further that no amount shall be paid to any depositor who is indebted to the Co-operative Bank in any way;

- (ii) the amounts of any drafts or pay orders or cheques issued by the Co-operative Bank and remaining unpaid on the date on which the order of moratorium comes into force;
- (iii) the amounts of the bills received for collection on or before 9th March, 1978 whether realized before, on or after that date.
- (iv) any expenditure which has necessarily to be incurred in connection with any suits or appeals filed by or against, or decrees obtained by or against, the Co-operative Bank, or for realizing any amounts due to it.

Provided that if the expenditure in respect of each such suit or appeal or decree is in excess of Rs. 250, the permission in writing of the Reserve Bank of India shall be obtained before the expenditure is incurred; and

- (v) any expenditure on any other item in so far as it is in the opinion of the Co-operative Bank necessary for carrying on the day-to-day administration of the Co-operative Bank :

Provided that where the total expenditure on any item in any calendar month exceeds the average monthly expenditure on account of that item during the six calendar months preceding the order of moratorium, or, where no expenditure has been incurred on account of that item during the said period and the expenditure on such item exceeds a sum of Rs. 250, the permission in writing of the Reserve Bank of India shall be obtained before the expenditure is incurred.

3. The Central Government hereby also directs that, during the period of the moratorium granted to it, the Co-operative Bank—

- (a) may make the following further payments, namely, the amounts necessary for repaying loans or advances granted against Government securities or other securities to the Co-operative Bank by the Government of Maharashtra or the Maharashtra State Co-operative Bank Ltd., or the State Bank of India or any of its subsidiaries or by any other bank and remaining unpaid on the date on which the order of moratorium comes into force;
- (b) may operate its accounts with the Maharashtra State Co-operative Bank Ltd., or with any other bank for the purposes of making the payments aforesaid;

Provided that nothing in this order shall be deemed to require the Maharashtra State Co-operative Bank Ltd., or such other bank to satisfy itself that the conditions imposed by this order are being observed before any amounts are released in favour of the Co-operative Bank;

- (c) may return any bills which have remained unrealized to the persons entitled to receive them on a request being made in this behalf by such persons, if the Co-operative Bank has no right or title to, or interest in such bills;
- (d) may release or deliver goods or securities which have been pledged, hypothecated or mortgaged or otherwise charged to it against any loan, cash credit or overdraft, in the manner and to the extent—
- (i) in any case in which full payment towards all the amounts due from the borrower or borrowers, as the case may be, has been received by the Co-operative Bank, unconditionally, and
- (ii) in any other case, to such an extent as may be necessary or possible, without reducing the proportions of the margins on the said goods or securities below the stipulated proportions, or the proportions which were maintained before the order of moratorium came into force, whichever may be higher.

[No. F. 8-6/78-AC]

नई दिल्ली, 9 मार्च, 1978

क्र० आ० 814:—बैंकिंग विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा भारतीय रिजर्व बैंक की सिफारिश पर यह घोषणा करती है कि उक्त अधिनियम की धारा 31 तथा बैंकिंग विनियमन (सहकारी समितियाँ) नियम, 1966 के नियम 10 के उपबन्ध औरंगाबाद पीपुल्स कोऑपरेटिव बैंक लि०, औरंगाबाद के बारे में वहाँ तक लागू नहीं होंगे जहाँ तक कि उनका सम्बन्ध 30 जून, 1977 तक समाचार पत्रों में लेखा परीक्षक की रिपोर्ट के साथ-साथ वर्ष के अन्त तक के तुलन पत्र तथा लाभ व हानि लेख के प्रकाशन से है।

[संख्या एफ० 8-2/78-ए०सी०]

महावीर प्रसाद वर्मा, सचिव

New Delhi, the 9th March, 1978

S.O. 814.—In exercise of the powers conferred by the section 53 read with section 56 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of section 31 of the said Act and Rule 10

of the Banking Regulation (Co-operative Societies) Rules, 1966 shall not apply to the Aurangabad peoples' Co-operative Bank Ltd., Aurangabad in so far as they relate to the publication of its balance sheet, profit and loss account for the year ended the 30th June, 1977 together with the auditor's report in a newspaper.

[No. F. 8-2/78-AC]

M. P. VARMA, Under Secy.

नई दिल्ली, 10 मार्च, 1978

का० आ० 815.—राष्ट्रीयकृत बैंक (प्रबंध और प्रकीर्ण उपबंध) योजना 1970 के खंड 3 के उपखंड (ब) के अनुसरण में केन्द्रीय सरकार एतद्वारा भारतीय रिजर्व बैंक के परामर्श से डा० राम दास, अध्यक्ष, एप्रोप्रिएट टेक्नोलॉजी डेवलपमेंट एसोसिएशन (इंडिया), ए-28, फ्रेंड्स कॉलोनी, नई दिल्ली, की मार्च, 1978 के 10वें दिन से आरम्भ होने वाली और मार्च, 1981 के 9वें दिन को समाप्त होने वाले 3 वर्ष की अवधि के लिए पंजाब नेशनल बैंक का निदेशक नियुक्त करती है।

[संख्या 9/23/77-बी०ओ०]

बलदेव सिंह, संयुक्त सचिव

New Delhi, the 10th March, 1978

S.O. 815.—In pursuance of sub-clause (f) of clause 3 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government, after consultation with the Reserve Bank of India, hereby appoints Dr. Ram Das, Chairman, Appropriate Technology Development Association (India), A-28, Friends Colony, New Delhi as a Director of the Punjab National Bank for a period of three years commencing on the 10th day of March, 1978 and ending with the 9th day of March, 1981.

[No. F. 9/23/77-BO. I]

BALDEV SINGH, Jt. Secy.

का० आ० 816.—बैंकिंग विनियमन अधिनियम, 1949 (1949 का 10) की धारा 18 के अनुसरण में केन्द्रीय सरकार उक्त धारा के प्रयोजन के लिए एतद्वारा निम्नलिखित बैंकों को अधिसूचित करती है:—

1. सेण्ट्रल बैंक आफ इंडिया बम्बई।
2. बैंक आफ इंडिया, बम्बई।
3. पंजाब नेशनल बैंक, नयी दिल्ली।
4. बैंक आफ बड़ोदा बम्बई।
5. यूनाइटेड कमर्शियल बैंक, कलकत्ता।
6. कैनारा बैंक, बंगलूर।
7. यूनाइटेड बैंक आफ इंडिया, कलकत्ता।
8. देना बैंक, बम्बई।
9. सिंडिकेट बैंक, मनीपाल।
10. यूनियन बैंक आफ इंडिया, बम्बई।
11. इलाहाबाद बैंक, कलकत्ता।
12. इण्डियन बैंक, मद्रास।
13. बैंक आफ महाराष्ट्र, पूना।
14. इण्डियन ओवरसीज बैंक, मद्रास।

[संख्या एक० 3-2/77-बी० ओ-1]

ब० वा० मीरखन्दाजी, अवर सचिव

S.O. 816.—In pursuance of section 18 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government hereby notifies, for the purpose of the said section, the following banks, namely:—

1. Central Bank of India, Bombay.
2. Bank of India, Bombay.
3. Punjab National Bank, New Delhi.
4. Bank of Baroda, Bombay.
5. United Commercial Bank, Calcutta.
6. Canara Bank, Bangalore.
7. United Bank of India, Calcutta.
8. Dena Bank, Bombay.
9. Syndicate Bank, Manipal.
10. Union Bank of India, Bombay.
11. Allahabad Bank, Calcutta.
12. Indian Bank, Madras.
13. Bank of Maharashtra, Poona.
14. Indian Overseas Bank, Madras.

[No. F. 3/2/77-BO. I]

C. W. MIRCHANDANI, Under Secy.

नई दिल्ली, 13 मार्च, 1978

का० आ० 817.—जमा बीमा निगम अधिनियम 1961 (1961 का 47) की धारा 8 की उपधारा (2) के साथ पठित उपधारा (1) के खण्ड (घ) के उपबंधों के अनुसरण में केन्द्रीय सरकार एतद्वारा भारतीय जीवन बीमा निगम के मद्रास के क्षेत्रीय प्रबन्धक श्री जे०भार० जोशी को 17 मार्च, 1978 से दो वर्ष की और अवधि के लिए जमा बीमा निगम के निदेशक के रूप में नामित करती है।

[संख्या एक- 6/1/78-बी०ओ०-1]

जे० सी० राय, निदेशक

New Delhi, the 13th March, 1978

S.O. 817.—In pursuance of the provisions of clause (d) of sub-section (1) read with sub-section (2) of section 6 of the Deposit Insurance Corporation Act, 1961 (47 of 1961), the Central Government hereby nominates Shri J. R. Joshi, Zonal Manager, Life Insurance Corporation of India, Madras, as a director of the Deposit Insurance Corporation for a further period of two years with effect from 17th March, 1978.

[No. F. 6/1/78-BO. I]

J. C. ROY, Director

नई दिल्ली, 14 मार्च, 1978

का० आ० 818.—बैंकिंग विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रवृत्त शक्तियों का प्रयोग करते करते हुए, केन्द्रीय सरकार एतद्वारा, भारतीय रिजर्व बैंक की सिफारिश पर घोषणा करती है कि उक्त अधिनियम की धारा 11 की उपधारा (1) के उपबंध, श्रीगंगाबाय पोपुल्स कोऑपरेटिव बैंक लि० पर, 1 मार्च 1977 से 28 फरवरी, 1979 तक की अवधि तक लागू नहीं होंगे।

[सं० एक० 8-1/78-ए० सी०]

बी० एन० बहादुर, उप सचिव

New Delhi, the 14th March, 1978

S.O. 818.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that

the provisions of sub-section (1) of Section 11 of the said Act shall not apply to the Aurangabad Peoples' Co-operative Bank Ltd., Aurangabad for the period from 1st March, 1977 to 28th February, 1979.

[No. F. 8-1/78-AC]

V. N. BAHADUR, Dy. Secy.

केन्द्रीय प्रत्यक्ष कर बोर्ड

नई दिल्ली, 1 नवम्बर, 1977

(आय-कर)

का० आ० 819.—केन्द्रीय प्रत्यक्ष कर बोर्ड, आय-कर अधिनियम, 1961 (1961 का 43) की धारा 121 की उपधारा (1) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए समय-समय पर अध्यासशोधित अपनी अधिसूचना सं० 1755 (फा० सं० 187/3/77-आई० टी० (ए० I)) तारीख 30 अप्रैल, 1977 में निम्नलिखित संशोधन करता है।

2. स्तम्भ (1), (2) और (3) की प्रविष्टियों के स्थान पर निम्नलिखित प्रविष्टियाँ रखी जाएंगी, अर्थात् :—

आयकर आयुक्त	मुख्यालय	क्षेत्राधिकार
1	2	3
लक्षणक	लक्षणक	1. सम्पदा शुल्क एवं आय-कर सकिल, लक्षणक 2. सकिल-I, लक्षणक 3. सकिल-II, लक्षणक 4. विशेष सकिल, लक्षणक 5. वेतन सकिल, लक्षणक 6. धनमोड़ा 7. बाराबंकी 8. बरेली 9. बिजनौर 10. बदायूँ 11. बनौसी 12. हरदोई 13. हलद्वानी 14. काशीपुर 15. लखीमपुर खीरी 16. मोरदाबाद 17. नजीबाबाद 18. नैनीताल 19. पीलीभीत 20. रामपुर 21. रायबरेली 22. शाहजहाँपुर 23. सीतापुर 24. उन्नाव

यह अधिसूचना 1-11-1977 से प्रभावी होगी।

[सं० 2039/फा० सं० 189/5/77-आई० टी० (ए०-I)]
एस० शास्त्री, प्रवर सचिव**CENTRAL BOARD OF DIRECT TAXES**

New Delhi, the 1st November, 1977

(INCOME-TAX)

S.O. 819.—In exercise of the powers conferred by sub-section (1) of Section 121 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby makes the following amendments to the Notification No. 1755 (F. No. 187/3/77-IT (AI)) dated 30th April, 1977 as amended from time to time.

2. Existing entries under Col. 1, 2 and 3 shall be substituted by the following entries :—

Commissioner of Income-Tax	Headquarters	Jurisdiction
1	2	3
Lucknow	Lucknow	1. Estate Duty-cum-Income-tax Circle, Lucknow. 2. Circle-I, Lucknow. 3. Circle-II, Lucknow. 4. Special Circle, Lucknow. 5. Salary Circle, Lucknow. 6. Almora. 7. Barabanki. 8. Bareilly. 9. Bijnore. 10. Budaun. 11. Chandausi. 12. Hardoi. 13. Haldwani. 14. Kashipur. 15. Lakhimpur-kheri. 16. Moradabad. 17. Najibabad. 18. Nainital. 19. Pilibhit. 20. Rampur. 21. Rae-Bareilly. 22. Shahjahanpur. 23. Sitapur. 24. Unnao.

This notification shall take effect from 1-11-1977.

[No. 2039/F.No. 189/5/77-IT(AI)]
M. SHASTRI, Under Secy.

आयकर आयुक्त कार्यालय, पटियाला

पटियाला, 15 मार्च, 1978

(आय-कर)

का०आ० 820.—आयकर अधिनियम, 1961 की धारा 287 के अधीन प्रकाशन के लिए एक लाख रुपये तथा उससे अधिक के कर की अदायगी के लिए नूक-कतर्धियों की सूची, जैसी 31-3-1977 को थी :

1. करदाता का नाम	श्री धनवंत सिंह सेखों, मार्फत मैसर्स अशोका आयल मिल्स, समराला।
2. नूक की रकम	1,76,849/-र० [फा० सं० रैक/प्रकाशन/III] बी० पी० गुप्ता, आयुक्त

Office of the Commissioner of Income Tax, Patiala

Patiala, the 15th March, 1978

(INCOME-TAX)

S.O. 820.—List of defaulters for payment of tax of Rs. one lakh and above as on 31-3-1977 to be published under section 287 of the Income-tax Act, 1961.

1. Name of the assessee:	Shri Dhanwant Singh Sekhon, C/o M/s. Ashoka Oil Mills, Samrala.
2. Amount in default:	Rs. 1,76,849.00.

[F.No.Rec/Publication/III]
V. P. GUPTA, Commissioner.

समाहर्तृलय केन्द्रीय उत्पाद शुल्क एवं सीमा शुल्क, मध्य प्रदेश, इन्दौर

इन्दौर, 20 दिसम्बर, 1977

केन्द्रीय उत्पाद शुल्क

क्रा० आ० 821.—केन्द्रीय उत्पाद शुल्क नियमावली 1944 के नियम 5 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एतद्वारा मैं उस अधिकारी को जो पद में सहायक समाहर्ता केन्द्रीय उत्पाद शुल्क से अधिक नहीं है, केन्द्रीय उत्पाद शुल्क नियमावली 1944 के नियम 49क में प्रदत्त समाहर्ता की शक्तियों का प्रयोग करने का अधिकार देता हूँ।

[सं० 1/77-के०उ०शु०/सी सं० V (18) 8-1/77/म०प्र०/के०उ०शु०-II]
मनजीत सिंह बिन्दा, समाहर्ता

Office of the Collector of Central Excise, Madhya Pradesh,
Indore

Indore, the 20th December, 1977

CENTRAL EXCISE

S.O. 821.—In exercise of the powers vested in me under Rule 5 of the Central Excise Rules 1944, I hereby empower the Officer not below the Rank of the Assistant Collector Central Excise, to exercise the powers of the Collector under Rule 49A of Central Excise Rules, 1944.

[No. 1/77-Central Excise/C. No. V(18)8-1/77/MP/CEII]
M. S. BINDRA, Collector

केन्द्रीय उत्पाद शुल्क समाहर्तृलय, कानपुर

कानपुर, 24 फरवरी, 1978

(केन्द्रीय उत्पाद शुल्क)

क्रा० आ० 822.—केन्द्रीय उत्पाद शुल्क नियमावली, 1944 के नियम 233 के अन्तर्गत प्रदत्त शक्तियों का प्रयोग करते हुए मैं एतद्वारा प्रादेश देता हूँ कि केन्द्रीय उत्पाद शुल्क समाहर्तृलय कानपुर के अधिकार क्षेत्र में आने वाले केन्द्रीय उत्पाद शुल्क टैरिफ मद सं० 26-क के अन्तर्गत तांबा तथा तांबा एलाय के सभी विनिर्माता जैसा कि केन्द्रीय उत्पाद शुल्क नियमावली, के नियम 43(2) में अपेक्षित है, अपने-अपने कारखाने में उत्पादन बन्द करने और दुबारा शुरू करने की अधिम सूचना अधिकार क्षेत्र के केन्द्रीय उत्पाद शुल्क के अधीक्षक/निरीक्षक को देंगे। वे कारखाने जो अधिकार क्षेत्र के अधीक्षक/निरीक्षक के कार्यालय से 5 किलोमीटर के क्षेत्र में स्थित हैं, काम बन्द करने या दुबारा शुरू करने की सूचना कम से कम 12 घंटे पहले तथा अन्य कारखाने कम से कम 24 घंटे पहले अधिकार क्षेत्र के अधीक्षक/निरीक्षक के कार्यालय में पहुंचावेंगे।

[प्रधिसूचना सं० 3/1978/सी०सं०V(8) 52-तक०/V/77-भाग 2/10562]

के० प्रकाश आनन्द, समाहर्ता

Central Excise Collectorate, Kanpur

Kanpur, the 24th February, 1978

(CENTRAL EXCISE)

S.O. 822.—In exercise of the powers conferred on me under Rule 233 of the Central Excise Rules, 1944, I hereby order that all manufacturers of Copper and Copper Alloys, falling under Item 26-A of the Central Excise Tariff, within the jurisdiction of the Central Excise Collectorate, Kanpur, shall send advance intimation of stoppage and resumption of production in the factory as required under 43(2) of the Central Excise Rules, 1944, to the jurisdictional Superintendent/Inspector of Central Excise, so as to reach him not less than 12 hours before such stoppage or resumption in case of factories situated within a radius of 5 km from the office of the jurisdictional Superintendent/Inspector and not less than 24 hours before such stoppage or resumption in other cases.

[Notification No. 3/1978/C. No. V(8) 52-Tech./V/
77-Pt. II/10562]

K. PRAKASH ANAND, Collector

बाणिज्य मंत्रालय

नई दिल्ली, 13 मार्च, 1978

क्रा० आ० 823.—केन्द्रीय सरकार, अधिम संविदा (विनियमन) अधिनियम, 1952 (1952 का 74) की धारा 5 के अधीन ईस्ट इण्डिया जूट एण्ड हेसियन एक्सचेंज लिमिटेड, 43 नेताजी सुभाष रोड, कलकत्ता द्वारा मान्यता के नवीकरण के लिये किये गये आवेदन पर बायदा बाजार आयोग के परामर्श से विचार करके और यह समाधान हो जाने पर कि ऐसा करना व्यापार के हित में और लोकहित में भी होगा, एतद्वारा उक्त अधिनियम की धारा 6 के द्वारा प्रदत्त शक्तियों का प्रयोग कर हुए उक्त एक्सचेंज को पश्चिमी बंगाल, बिहार, असम, मेघालय, उड़ीसा और त्रिपुरा राज्यों और झारखण्ड प्रदेश तथा मिजोरम के संघ राज्य क्षेत्रों में कच्चे जूट (जिसमें मेस्टा भी सम्मिलित हैं) की अधिम संविदाओं के बारे में 29 मार्च, 1978 से 28 मार्च, 1979 (जिसमें ये दोनों दिन भी सम्मिलित हैं) की एक वर्ष की अतिरिक्त कालावधि के लिए मान्यता प्रदान करती है।

2. एतद्वारा प्रदत्त मान्यता इस शर्त के अधीन है कि उक्त एक्सचेंज ऐसे निवेदों का अनुपालन करेगा जो बायदा बाजार आयोग द्वारा समय-समय पर दिए जाएं।

[मिजिल संख्या 12(1)-आई० टी०/78]

MINISTRY OF COMMERCE

New Delhi, the 13th March, 1978

S.O. 823.—The Central Government, having considered in consultation with the Forward Markets Commission, the application for renewal of recognition made under Section 5 of the Forward Contracts (Regulation) Act, 1952 (74 of 1952) by the East India Jute & Hessian Exchange Limited, 43, Netaji Subhas Road, Calcutta and being satisfied that it would be in the interest of the trade and also in the public interest so to do, hereby grants, in exercise of the powers conferred by Section 6 of the said Act, recognition to the said Exchange for a further period of one year from 29th March, 1978 to 28th March, 1979 (both days inclusive) in respect of forward contracts in raw jute (including mesta) in the States of West Bengal, Bihar, Assam, Meghalaya, Orissa and Tripura and the Union Territories of Arunachal Pradesh and Mizoram.

2. The recognition hereby granted is subject to the condition that the said Exchange shall comply with such directions as may from time to time, be given by the Forward Markets Commission.

[F. No. 12(1)/IT/78]

क्रा० आ० 824.—केन्द्रीय सरकार, बायदा बाजार आयोग से परामर्श करके, ईस्ट इण्डिया जूट एण्ड हेसियन एक्सचेंज लिमिटेड 43 नेताजी सुभाष रोड, कलकत्ता द्वारा अधिम संविदा (विनियमन) अधिनियम, 1952 (1952 का 74) की धारा 5 के अधीन किये गये मान्यता के नवीकरण के लिये आवेदन पर विचार कर लेने और यह समाधान हो जाने पर कि ऐसा करना व्यापार के हित में और लोकहित में भी होगा, उक्त अधिनियम की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त एक्सचेंज को कलकत्ता नगर में जूट माल (किसी भी प्रकार की किसी मिला या किसी अन्य विनिर्माता द्वारा जूट से बनाये गये हेसियन और बोरियां बनाने के कपड़े या बोरे या दोनों, बुकाइन या सूत या दोनों) में अधिम संविदाओं की बाबत 29 मार्च, 1978 से 28 मार्च, 1979 (जिसमें दोनों दिन सम्मिलित हैं) को एक वर्ष की और कालावधि के लिए एतद्वारा मान्यता प्रदान करती है।

साप्टीकरण :—इस अधिसूचना में 'कलकत्ता नगर' पद में अधिप्रेत है :—

(1) कलकत्ता नगरपालिका अधिनियम, 1951 (पश्चिम बंगाल अधिनियम 1951 का 33) की धारा 5 के खण्ड (2) में यथापरिभाषित कलकत्ता तथा उसके साथ हेस्टिंग्स नार्थ या

क्याइव का साउथ सिरा और नदी तट तक स्ट्रेट रोड और वे क्षेत्र जो एतदपूर्व प्रव समाप्त टायीगंज नगरपालिका के अन्तर्गत थे;

(2) कलकत्ता पत्तन, और

(3) 24 परगना, नादिया, हावड़ा और हुगली जिले।

2. एतद्वारा प्रदत्त मान्यता इस शर्त के अधीन है कि उक्त एक्सचेंज ऐसे निवेशों का अनुपालन करेगा जो वायदा बाजार प्रायोग द्वारा समय-समय पर दिये जायें।

[मिस्त्र संख्या 12(1)/आई०टी०/78]

वी० श्रीनिवासन, उप सचिव

S.O. 824.—The Central Government, having considered in consultation with the Forward Markets Commission, the application for renewal of recognition made under Section 5 of the Forward Contracts (Regulation) Act, 1952, (74 of 1952) by the East India Jute & Hessian Exchange Ltd., 43, Netaji Subhas Road, Calcutta, and being satisfied that it would be in the interest of the trade and also in the public interest so to do, hereby grants, in exercise of the powers conferred by Section 6 of the said Act, recognition to the said Exchange for a further period of one year from 29th March, 1978 to 28th March, 1979 (both days inclusive) in respect of forward contracts in jute goods (hessian and sacking cloth or bag or both, twines or yarns or both manufactured by any of the mills or any other manufactures of whatever nature made from Jute) in the city of Calcutta.

EXPLANATION.—In this notification, the expression "city of Calcutta" means :—

(1) Calcutta as defined in Clause (ii) of Section 5 of the Calcutta Municipal Act, 1951, (West Bengal Act, 33 of 1951), together with part of Hastings North or South edge of Clyde Row and Strand Road to the river bank and the areas which were previously under the now defunct Tollygunge Municipality.

(2) The port of Calcutta; and

(3) The Districts of 24 Parganas, Nadia, Howrah and Hoogly.

2. The recognition hereby granted is subject to the condition that the said Exchange shall comply with such directions as may from time to time, be given by the Forward Markets Commission.

[F. No. 12(1)/IT/78]
V. SRINIVASAN, Dy. Secy.

मुख्य निबंधक, आपात-निर्णय का कार्यालय

आदेश

नई दिल्ली, 8 दिसम्बर, 1977

क्र० प्रा० 825.—सर्वश्री इलेक्ट्रॉनिक्स कारपोरेशन ऑफ इंडिया लिमिटेड हैदराबाद को 10,500 रुपये (केवल दस हजार पांच सौ रुपये) के लिए लाइसेंस सं० पी०/प्रार०पी०/2443303/एन० एम० ए०/एच०/62/43-44 प्रदान किया गया था। उन्होंने उक्त लाइसेंस की सीमा-शुल्क निकासी प्रति की अनुलिपि के लिये इस आधार पर निवेदन किया है कि उनसे उक्त लाइसेंस की मूल सीमा-शुल्क निकासी प्रति खो गई है। प्रागे यह बताया गया है कि सीमा शुल्क निकासी प्रति, सीमा-शुल्क प्राधिकारी, बम्बई के पास पंजीकृत करवाई गई थी।

2. अपने तर्क के समर्थन में आवेदक ने एक शपथ पत्र दाखिल किया है। तदनुसार मैं इस बात से संतुष्ट हूँ कि उक्त लाइसेंस की मूल सीमा शुल्क निकासी प्रति खो गई है। अतः यथा संशोधित प्रायात (नियंत्रण) आदेश 1955 दिनांक 7-12-55 की उप-धारा 9(सी०सी०) द्वारा 430 GI/77—5

प्रदत्त अधिकारी का प्रयोग कर एतद्वारा सर्वश्री इलेक्ट्रॉनिक्स कारपोरेशन ऑफ इंडिया लिमिटेड हैदराबाद को जारी किए गए लाइसेंस सं० पी०/प्रार०पी०/2443303 की सीमा-शुल्क निकासी प्रति रद्द की जाती है।

3. उक्त लाइसेंस की सीमा-शुल्क निकासी प्रति की अनुलिपि भ्रमण से जारी की जा रही है।

[संख्या ई०सी०आई०/13/76-77/पी०एल०एस० ए०]

यू० एम० रावत, उप-मुख्य नियंत्रक

Office of the Chief Controller of Imports & Exports

ORDER

New Delhi, the 8th December, 1977

S.O. 825.—M/s. Electronics Corp. of India Ltd., Hyderabad were granted an import licence No. P/RP/2443303/N/MA/H/62/43-44 dated 5-1-1977 for Rs. 10,500 (Rupees Ten thousand and five hundred only). They have applied for the issue of a duplicate Customs Purposes copy of the said licence on the ground that the original Customs Purposes copy has been lost. It is further stated that the original Customs Purposes copy was registered with the Customs authorities at Bombay.

2. In support of this contention the applicant has filed an affidavit. I am accordingly satisfied that the original Customs Purposes copy of the said licence has been lost. Therefore in exercise of the powers conferred under Sub-clause 9(cc) of the Imports (Control) Order, 1955 dated 7-12-1955 as amended the said original Customs Purposes copy of licence No. P/RP/2443303 dated 5-1-1977 issued to M/s. Electronics Corp. of India Ltd. Hyderabad is hereby cancelled.

3. A duplicate Customs Purposes copy of the said licence is being issued separately to the licensee.

[No. ECI/13/76-77/PLSA]

I. S. RAWAT, Dy. Chief Controller

आदेश

नई दिल्ली, 13 मार्च, 1978

क्र० प्रा० 826.—श्री बी० एल० शर्मा क्रय निवेशक, भारत के उच्चायोग सम्भरण विंग, इण्डिया हाऊस एल्विच लन्डन इन्क्यू० सी०-2 को फोर्ड कोर्टीना माडल 1972 कार का आयात करने के लिए 24,000.00 रुपए का सीमा शुल्क निकासी परमिट सं० पी०/जे०/3053997/एन०/एम० पी०/60/43-44 दिनांक 26-6-76 प्रदान किया गया था। उन्होंने सीमा शुल्क निकासी परमिट की अनुलिपि प्रति के लिए इस लिए आवेदन किया है कि मूल सीमा शुल्क निकासी परमिट खो गया है। प्रागे यह भी बताया गया है कि मूल सीमा शुल्क निकासी परमिट किसी भी सीमा शुल्क कार्यालय से पंजीकृत नहीं था और उपयोग में नहीं लाया गया था।

2. इस तर्क के समर्थन में श्री बी० एल० शर्मा ने एक शपथ पत्र दाखिल किया है। उसने दबन दिया है कि यदि सीमा शुल्क निकासी परमिट बाव में मिल गया तो रिकार्ड के लिए लौटा दिया जाएगा। मैं संतुष्ट हूँ कि मूल सीमा शुल्क निकासी परमिट सं० पी०/जे०/3053997/एन०/एम० पी०/60/एच०/43-44 दिनांक 26-6-76 खो गया है और निदेश देता हूँ कि अनुलिपि सीमा शुल्क निकासी परमिट उनको जारी किया जाना चाहिए। मूल सीमा शुल्क निकासी परमिट को रद्द कर दिया गया समझा जाए।

[संख्या 2/ए०-15/76-77/बी०एल०एस०/2780]

एच० एल० शर्मा, उप-मुख्य नियंत्रक

ORDER

New Delhi, the 13th March, 1978

S.O. 826.—Shri B. L. Sharma, Director of Purchase, High Commission of India, Supply Wing, India House, Aldwych, London, WC2, U.K. was granted Customs Clearance Permit No. P/J/305399/N/MP/60/H/43-44

dated 26-6-1976 for Rs. 24,000 for import of a Ford Cortina Model-1972, car has applied for a duplicate Copy of the Customs Clearance Permit as the original C.C.P. has been lost. It is further stated that the original CCT was not registered with any Customs House and not utilised.

2. In support of this contention Shri B. L. Sharma has filed an affidavit. He has undertaken to return the CCP if traced later to this office for record. I am satisfied that the original C.C.P. No. P/J/3053997/N/MP/60/H/43-44 dated 26-6-1976 has been lost and direct that a duplicate C.C.P. should be issued to him. The original Customs Clearance Permit may be treated as cancelled.

[F. No. 2/A-15/76-77/BLS/2780]

H. L. BAHL, Dy. Chief Controller

कार्यालय मुख्य नियंत्रक, आयात और निर्यात

प्रावेश

नई दिल्ली, 13 मार्च, 1978

का० आ० 827.—अप्रैल, 76 मार्च-77 लाइसेंस अवधि के लिए महानिदेशक पूर्ति एवं संभरण नई दिल्ली ए०टी० सं० पोस-1/108/108/29-11-75/पी-1/006/पी ए ओ एम. विनांक 6-9-76 और आई बार सी संख्या 016-बी/76-77, दिनांक 6-10-76 के मई स्वतंत्र स्रोत के अन्तर्गत 6,79,710 रु० (छः लाख उन्नासी हजार सात सौ दस रुपए मात्र) के लिए सर्वश्री आकाशीन सियसाकुशो लि० आपान से इलैक्ट्रो हाइड्रोलिक वाइब्रेशन पद्धति का आयात करने के लिए सर्वश्री काशीनाथ एण्ड कम्पनी, 10-2-289/71, शान्ति नगर, हैदराबाद को 14-11-1977 तक की वैध अवधि के लिए आयात लाइसेंस संख्या जी/ओ/2422361/सी/एक्सएक्स/61/एच/43-44, विनांक 15-11-76 प्रदान किया गया था। अब लाइसेंसधारी ने इस कार्यालय से उक्त लाइसेंस की सीमा शुल्क प्रयोजन प्रति की अनुलिपि प्रति जारी करने के लिए इस आधार पर आवेदन किया है कि उक्त लाइसेंस की मूल सीमा शुल्क प्रयोजन प्रति सीमा शुल्क सदन, मद्रास द्वारा खो गई/अस्थानस्थ हो गई है। उन्होंने आगे यह भी बताया है कि उक्त लाइसेंस की मूल सीमा शुल्क प्रयोजन प्रति सीमा शुल्क सभाहर्ता, सीमा शुल्क सदन, मद्रास के पास पंजीकृत कराई गई है और बंड का निष्पादन करने के पश्चात् पूर्ण रूप से उपयोग में लाई गई है।

2. अपने तर्कों के समर्थन में आवेदक ने स्टाम्प कागज पर शपथ-पत्र दाखिल किया है। अधोहस्ताक्षरी संतुष्ट है कि आवेदक द्वारा लाइसेंस संख्या जी/ओ/2422361/सी/एक्सएक्स/61/एच/43-44, दिनांक 15-11-76 की मूल सीमा शुल्क प्रयोजन प्रति खो गई/अस्थानस्थ हो गई है और निदेश देता है कि उनको पूर्ण मूल्य के लिए उक्त लाइसेंस की सीमा शुल्क प्रयोजन प्रति की अनुलिपि प्रतिजारी की जानी चाहिए। आयात लाइसेंस संख्या जी/ओ/2422361/सी/एक्सएक्स/61/एच/43-44, विनांक 15-11-76 की मूल सीमा शुल्क प्रयोजन प्रति एतद्वारा रद्द की जाती है।

[संख्या 2 के० कान्ट/76-77/जी० एल० एस०/1190]

ए० एल० भल्ला, उप-मुख्य नियंत्रक

Office of the Chief Controller of Import & Export ORDER

New Delhi, the 13th March, 1978

S.O. 827.—M/s. Kashinath & Co., 10-2-289/71, Shanti Nagar, Hyderabad were granted an import licence No. G/O/2422361/C/XX/61/H/43-44, dated 15-11-76 valid upto 14th November, 1977 for the import of Electro Hydraulic Vibration System from M/s. Akashi Seisakusho Ltd., Japan for the value of Rs. 6,79,710 only (Rupees six lakh seventy nine thousand seven hundred and ten only) under free resources against DGS&D, New Delhi A.T. No. Pos. 1/108/108/29-11-75/pl/006/PAOM, dated 24-9-76 and IRC No. 016, D/76-77 dated 6-10-76 for the licensing period April 76--March, 77. Now the licensee has requested this office for the issue of

duplicate Customs Purpose Copy of the said licence on the ground that the original Customs Purpose Copy of the said licence has been lost/misplaced by the Customs House, Madras. They have further stated that the original Customs Purpose Copy of the said licence have been registered with the Collector of Customs, Customs House, Madras and utilised fully after executing the Bond with them.

2. In support of their contention, the applicant has filed an affidavit on stamped paper. The undersigned is satisfied that the original Customs Purpose Copy of licence No. G/O/2422361/C/XX/61/H/43-44 dated 15-11-76 has been lost/misplaced by the applicant and directs that duplicate Customs Purpose Copy of the said licence for full value should be issued to them. The original Customs Purpose Copy of the import licence No. G/O/2422361/C/XX/61/H/43-44, dated 15-11-76 is hereby cancelled.

[No. 2. K/Cont/76-77/GLS/1190]

A. L. BHALLA, Dy. Chief Controller.

मुख्य निबंधक, आयात-निर्यात का कार्यालय

लाइसेंस रद्द करने का प्रावेश

नई दिल्ली, 15 मार्च, 1978

का० आ० 828.—सर्वश्री केप्री बार एण्ड रेस्टोरेंट, श्रीनगर (कश्मीर) को जिन और बियर के भलावा व्हीस्की का आयात करने के लिए 2,000 रु० के लागत बोमा-भाड़ा मूल्य के लिए जारी होने की तारीख से 24 मास के लिए वैध आयात लाइसेंस संख्या पी/ए/1432342/सी एक्स एक्स/63/एच/77, दिनांक 3-6-77 प्रदान किया गया था। अब पार्टी ने उक्त आयात लाइसेंस की सीमाशुल्क प्रयोजन और मुद्रा विनिमय नियंत्रण प्रति की अनुलिपि प्रति जारी करने के लिए इस आधार पर आवेदन किया है कि उनसे मूल प्रतियां खो गई/अस्थानस्थ हो गई हैं। पार्टी ने आयात व्यापार नियंत्रण नियमों के अनुसार आवश्यक शपथ-पत्र दाखिल किया है जिसके अनुसार उक्त आयात लाइसेंस किसी भी सीमा शुल्क सदन में पंजीकृत नहीं कराया गया था और बिल्कुल भी उपयोग में नहीं लाया गया था और लाइसेंस के मूद्रा शेष धन राशि 2,000/रुपए शेष है। शपथ पत्र में इस बात का भी उल्लेख किया गया है कि यदि उक्त आयात लाइसेंस की सीमा शुल्क प्रयोजन प्रति और मुद्रा विनिमय नियंत्रण प्रति बाव में डूब ली जाती है अथवा मिल जाती है तो लाइसेंस प्राधिकारी को वापस कर दी जाएगी।

मैं संतुष्ट हूँ कि आयात लाइसेंस की सीमा शुल्क प्रयोजन प्रति और मुद्रा विनिमय नियंत्रण प्रतियां खो गई/अस्थानस्थ हो गई हैं और निदेश देता हूँ कि आवेदक को उक्त आयात लाइसेंस की मूल सीमा शुल्क प्रयोजन प्रति एवं मुद्रा विनिमय नियंत्रण प्रति की अनुलिपि प्रति जारी की जानी चाहिए। आयात लाइसेंस की मूल सीमा शुल्क प्रयोजन प्रति एवं मुद्रा विनिमय नियंत्रण प्रति एतद्वारा रद्द की जाती है।

[मिसिल सं० 12/60/77-78/एम० एल०-1/1152]

एम० जी० गोम्बर, उप-मुख्य नियंत्रक
कृते मुख्य नियंत्रक

Office of the Chief Controller of Import & Export

New Delhi, the 15th March, 1978

CANCELLATION ORDER

S.O. 828.—M/s. Capri Bar and Restaurant, Srinagar (Kashmir), were granted an import licence No. P/A/1432342/C/XX/63/H/77 dated 3-6-77 for a C.I.F. value of Rs. 2,000 for import of whisky excluding Gin and Bear, valid for 24 months from the date of issue. Now the party have applied for grant of Duplicates of Customs Purpose and Exchange Control copies of the aforesaid import licence on the ground that the original has been lost/misplaced by them. The party have furnished necessary affidavit as per I.T.C. Rules, according to which the aforesaid import licence was not registered with any Customs House and was not utilised at all and the balance against the licence is Rs. 2,000 only. It has also been incorporated in the affidavit that if the said Customs Purpose and Exchange Control copy (ies) of the import licence is/are traced or found later on the same will be returned to the issuing authority.

I am satisfied that the original Customs Purpose and Exchange Control Copies of the Import licence have been lost/ misplaced and direct that Duplicate Customs Purpose and Exchange Control copies of the above Import licence should be issued to the applicant. The original Customs Purpose and Exchange Control copies of the import licence are hereby cancelled.

[File No. 12/60/77-78/ML. I./1152]

M. G. GOMBAR, Dy. Chief Controller
for Chief Controller

उद्योग मंत्रालय

(औद्योगिक विकास विभाग)

नई दिल्ली, 14 मार्च, 1978

सुद्धि पत्र

का०आ० 829.—भारत के राजपत्र, भाग 2, खण्ड 3, उपखण्ड (ii) तारीख 14 मार्च, 1977 पृष्ठ 1592 पर, भारत सरकार के वाणिज्य मंत्रालय (वस्त्र विभाग) की अधिसूचना सं० का०आ० 1382 तारीख 22 अप्रैल, 1977 के अंतर्गत प्रकाशित वस्त्र (बुनाई, कढ़ाई, लेस निर्माण और मुद्रण मशीनों द्वारा उत्पादन) निर्यात (संशोधन) आदेश, 1977 के, खण्ड 2 में मूल आदेश के खण्ड 7 के पश्चात् अन्तःस्थापित खण्ड में,

- (i) खण्ड सं० '7' के स्थान पर '7क' पढ़ें;
- (ii) "जहां किसी व्यक्ति ने" शब्दों से पहले आने वाले, "(क)" अक्षर और कोष्ठक का लोप करें।

[फा० सं० 11/6/76-सी०टी०एम०]

जी० बी० सुब्रामणियम, अवर सचिव

MINISTRY OF INDUSTRY

(Department of Industrial Development)

New Delhi, the 14th March, 1978

CORRIGENDUM

S.O. 829.—In the Textiles (Production by Knitting Embroidery, Lace Making and Printing Machines) Control (Amendment) Order, 1977, published with the notification of the Government of India in the Ministry of Commerce (Department of Textiles) No. S.O. 1382, dated the 22nd April, 1977, at page 1592 of the Gazette of India, Part II, Section 3, Sub-section (ii), dated the 14th May, 1977, in clause 2, in the clause inserted after clause 7 of the principal Order,—

- (i) for the clause number "7", read "7A";
- (ii) omit the letter "A" occurring before the words "Where any person";
- (iii) for "sub-clause (1) and clause 4", read "sub-clause (1) of clause 4".

[F. No. 11/6/76-CTM]

G. V. SUBRAMANYAM, Under Secy.

नई दिल्ली, 21 मार्च, 1978

आदेश

का० आ० 830/उ० वि० वि० अ०/6/1/78.—केन्द्रीय सरकार, विकास परिषद् (प्रक्रिया सम्बन्धी) नियम, 1952 के नियम 8 के साथ पठित उद्योग (विकास और विनियमन) अधिनियम, 1951 (1951 का 65) की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उद्योग मंत्रालय, औद्योगिक विकास विभाग के आदेश सं० का०आ० 703/उ० वि० वि० अ०/6/1/77 तारीख 22 फरवरी, 1977 में निम्नलिखित संशोधन करती है, अर्थात् :—

उक्त आदेश में—

(क) पैरा 1 में—

- (i) क्रम संख्या 8, 19, 25 और 26 तथा उनसे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित क्रम संख्याएं और प्रविष्टियां रखी जाएंगी, अर्थात्

"8. श्री बी० के० सिन्हा, मुख्य निदेशक, नागरिक पूर्ति और सहकारिता मंत्रालय।"

"19. उद्योग निदेशक, मध्य प्रदेश सरकार, भोपाल।"

"25. डा० डी० के० पटेल, प्रबन्ध निदेशक, श्री खेसुत सहकारी, खाद्य उद्योग मंडली लिमिटेड, सरकार बाग, जिखा सूरत, गुजरात।"

"26. श्री एस० जी० कोल्हे, संजीवनी (तकली) सहकारी शक्कर कारखाना लिमिटेड, शिंगनपुर, जिला अहमदनगर।";

(ii) क्रम संख्या 26 के पश्चात् निम्नलिखित क्रम संख्या और प्रविष्टियां अन्तः स्थापित की जाएंगी, अर्थात् :—

"27. श्री राजेन्द्र कुमार शर्मा, सदस्य, लोक सभा, 18 फिरोजशाह रोड, नई दिल्ली।"

"28. श्री हरिशंकर महाले, सदस्य, लोक सभा, 25 कैनिंग लेन, नई दिल्ली।";

(ख) पैरा 2 के स्थान पर निम्नलिखित रखा जाएगा, अर्थात् :—

"2. केन्द्रीय सरकार विकास परिषद् (प्रक्रिया संबंधी) नियम, 1952 के नियम 2 के खण्ड (ग) के अनुसरण में, श्री ए० के० बोस, निदेशक (खीनी तकनीकी) खीनी निदेशालय (खाद्य विभाग), को उक्त विकास परिषद् के सचिव के कृत्यों को करने के लिए नियुक्त करती है।"

[सं० 8/3/76-सी० डी० एन]

प्रेम नारायण, अवर सचिव

New Delhi, the 21st March, 1978

ORDER

S.O. 830/IDRA/6/1/78.—In exercise of the powers conferred by section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951), read with rule 8 of the Development Councils (Procedural) Rules, 1952, the Central Government hereby makes the following amendments in the Ministry of Industry, Department of Industrial Development Order No. S.O. 703/IDRA/6/1/77 dated the 22nd February, 1977, namely :—

In the said Order,

(a) in paragraph 1,—

- (i) for serial numbers 8, 19, 25 and 26 and the entries relating thereto, the following serial numbers and entries shall be substituted, namely :—

"8. Shri B. K. Sinha, Chief Director, Ministry of Civil Supplies and Cooperation."

"19. The Directorate of Industries, Government of Madhya Pradesh, Bhopal."

"25. Dr. D. K. Patel, Managing Director, Shree Khedut Sahakari Khand Udyog Mandly Ltd., Sardarbaug, District Surat, Gujarat."

"26. Shri S. G. Kolhe, Sanjivani (Takli) Sahakari Sakhar Karkhana Ltd., Shingapur, District Ahmednagar."

- (ii) after serial number 26, the following serial numbers and entries shall be inserted, namely :—

"27. Shri Rajendra Kumar Sharma, Member, Lok Sabha, 18, Ferozeshah Road, New Delhi."

"28. Shri Hari Shankar Mahale, Member, Lok Sabha, 25, Canning Lane, New Delhi."

- (b) for paragraph 2, the following shall be substituted, namely :—

"2. In pursuance of clause (c) of rule 2 of the Development Councils (Procedural) Rules, 1952, the Central Government hereby appoints Shri A. K. Bose, Director (Sugar Technical), Directorate of Sugar (Department of Food), to carry on the functions of Secretary to the said Development Council."

[No. 8/3/76-CDN]

PREM NARAIN, Under Secy.

सांख्यिक पुरीस तथा सहकारिता मंत्रालय

(भारतीय मानक संस्था)

नई दिल्ली, 1978-03-08

क्र० बा० 831.—समय-समय पर संशोधित भारतीय मानक संस्था (प्रमाणन बिन्दु) विनियम 1955 के विनियम 14 के उपविनियम (4) के अनुसार भारतीय मानक संस्था द्वारा अधिसूचित किया जाता है कि लाइसेंस संख्या सीएम/एल-4050 जिसके ग्यारे नीचे अनुसूची में दिए गए हैं, कैबटरी के बंद हो जाने के कारण 1 नवम्बर 1977 से रद्द कर दिया गया है।

अनुसूची

क्रम लाइसेंस संख्या और तिथि संख्या	लाइसेंसधारी का नाम और पता	रद्द किए गए लाइसेंस के अधीन वस्तु/प्रक्रिया	तत्सम्बन्धी भारतीय मानक	
(1)	(2)	(3)	(4)	(5)
1. सी एम/एल-4050 1974-11-12	सर्वश्री अवार प्राइवेट लि० विद्रुलबाड़ी कल्याण (मध्य रेलवे) महाराष्ट्र	1100 बोल्डता तक कार्यकारी बोल्डता के लिए पी०बी०सी० रोधित (भारी ह्यूटी) बिजली के केबल	IS : 1554 (भाग-I)—1978, 1100 बोल्ड तक कार्यकारी बोल्डता के लिए पी०बी०सी० रोधित (भारी ह्यूटी) बिजली के केबलों की विनिष्टि (दूसरा पुनरीक्षण)	
2. सी०एम०/एल-4051 1974-11-12	—तदैव—	पोलीइथाइलीन रोधित और पी०बी० सी० खोलदार केबल, इकहरी कोर और दुहरे अपटे एलुमिनियम आलकों वाले	IS : 1596-1970 250 बोल्ड तक कार्यकारी बोल्डता के लिए पोलीइथाइलीन रोधित और पी०बी०सी० खोलदार केबलों की विनिष्टि (पहला पुनरीक्षण)	
3. सी०एम०/एल-4052 1974-11-12	—तदैव—	पूर्ण एलुमिनियम आलक और इस्पात प्रबलित एलुमिनियम आलक	IS : 398 (भाग 1 और 2)—1976 शिरोपरि पावर प्रेषण कायों के लिए एलुमिनियम आलकों की विनिष्टि, भाग 1 एलु-मिनियम के तट्टदार आलक भाग 2 इस्पात प्रबलित जस्तीकृत एलुमिनियम आलक	
4. सी०एम०/एल-4053 1974-11-12	—तदैव—	केबल एलुमिनियम आलकों वाले पी० बी० सी० रोधित केबल, 250/440 बोल्ड और 650/1100 बोल्ड ग्रेड	IS : 694 (भाग 2)—1964 पी० बी० सी० रोधित केबलों (1100 बोल्ड तक की बोल्डता के लिए) की विनिष्टि भाग 2 एलुमि-नियम आलकों वाले (पुन-रीक्षित)	
5. सी०एम०/एल-4058 1974-11-18	—तदैव—	इस्पात की कोर वाले एलुमिनियम आलकों की कोर के लिए इस्पात के तार	IS : 398 (भाग 2)—1976 शिरो-परि पावर प्रेषण कायों के लिए एलुमिनियम आलकों की विनिष्टि भाग 2 जस्तीकृत इस्पात प्रबलित एलुमिनियम आलक (दूसरा पुनरीक्षण)	

(1)	(2)	(3)	(4)	(5)
6. सी०एम०/एल-4151 1975-01-17	तदैव	केवल सामान्य प्रवेशता प्रकार की मृदु इस्पात की मेटल ग्रार्क वेल्डिंग के लिए इलेक्ट्रोड	IS : 814 (भाग 1)—1974 संरचना इस्पात की मेटल ग्रार्क वेल्डिंग के लिए लागू चढ़े इलेक्ट्रोड की विशिष्ट भाग 1 चढ़ों के प्रतिरिक्त उत्पादकों की वेल्डिंग के लिए (चतुर्थ पुनरीक्षण)	
		मार्का	कूट संख्या	IS : 814 (भाग 2)—1974 संरचना इस्पात की मेटल ग्रार्क वेल्डिंग के लिए लागू चढ़ाए इलेक्ट्रोड की विशिष्ट भाग 2 चढ़ों की वेल्डिंग के लिए (चतुर्थ पुनरीक्षण)
		(1) "एक्सएल"	ई-100411	
		(2) "एसीपी"	ई-104411	
		(3) "एफपी"	ई-208411	
		(4) "एल डब्ल्यू"	ई-307411	
		(5) "डीएच"	ई-442411	
		(6) "जेडआईपी"-14	ई-906411जे	

[सं० सी० एम० डी०/55:4050]

MINISTRY OF CIVIL SUPPLIES AND COOPERATION

(Indian Standards Institution)

New Delhi, the 1978-03-08

S.O. 831.—In pursuance of sub-regulation (4) of regulation 14 of the Indian Standards Institution (Certification Marks) Regulations 1955 as amended from time to time, the Indian Standards Institution hereby notifies that various Licences particulars of which are given below have been cancelled with effect from 1 November 1977 on account of Closure of the factory.

SCHEDULE

Sl. No.	Licence No. and Date	Name & Address of the Licensee	Article/Process Covered by the Licensees Cancelled	Relevant Indian Standards
(1)	(2)	(3)	(4)	(5)
1.	CM/L-4050 1974-11-12	M/s. Apar Private Limited, Vithalwadi, Kalyan (C. Rly.) (Maharashtra).	PVC insulated (heavy duty) electric cables for working voltages upto and including 1100 volts.	IS : 1554 (Part I)—1976 Specification PVC insulated (heavy duty) electric cables For working voltages upto and including 1100 volts. (Second Revision).
2.	CM/L-4051 1974-11-12	-do-	Polylethylene insulated and PVC sheathed cables, single core, core and twin flat with aluminium conductors	IS : 1596—1970 Specification for polylethylene insulated and PVC sheathed cables upto and including 250 volts (First Revision).
3.	CM/L-4052 1974-11-12	-do-	All aluminium conductors and ACSR conductors.	IS : 398 (Part I & II)—1976 Specification for aluminium conductors for overhead transmission purposes. Part I Aluminium stranded conductors. Part II Aluminium conductors, galvanized steel-reinforced.
4.	CM/L-4053 1974-11-12	M/s. Apar Private Limited, Vithalwadi, Kalyan (C. Rly.) (Maharashtra).	PVC insulated cables, 250/440 volts and 650/1100 volts grade with aluminium conductor only.	IS : 694 (Part II)—1964 Specification for PVC insulated cables (for voltages up to 1100V). Part II With aluminium conductors (Revised).
5.	CM/L-4058 1974-11-18	-do-	Steel wire for the core of steel-cored aluminium conductors.	IS : 398 (Part II)—1976 Specification for Aluminium conductors for overhead transmission purposes Part II Aluminium conductors, galvanized steel reinforced (Second Revision).

1	2	3	4	5
6.	CM/L-4151 1975-01-17	-do-	Electrodes for Metal are welding of mild steel of normal penetration types only: Brand (i) 'XL' (ii) 'ACP' (iii) 'FP' (iv) 'SW' (v) 'DH' (vi) 'ZIP-14'	IS : 814 (Part I)—1974 Specification for covered electrodes for metal are welding of structural steel Part I for welding products other than sheets (Fourth Revision). IS : 814 (Part II)—1974 Specification for covered electrodes for metal are welding of structural steel Part II for welding sheets (Fourth Revision).

[NO. CMD/55 : 4050]

नई दिल्ली, 1978-03-13

क्रा० प्रा० 832.—समय-समय पर संशोधित भारतीय मानक संस्था (प्रमाणन विभाग) विनियम 1955 के विनियम 14 के उपविनियम (4) के अनुसार भारतीय मानक संस्था द्वारा अधिसूचित किया जाता है कि लाइसेंस संख्या सी०एम०/एल०3410 जिसके ध्यौरे नीचे अनुसूची में दिए गए हैं, 1 जनवरी 1978 से रद्द कर दिया गया है क्योंकि लाइसेंसधारी ने अपनी रंजकों से बनी स्याहियों की मांग की कमी को देखते हुए भा० मा० संस्था की मुहर लगे माल का उत्पादन शुरू नहीं किया।

अनुसूची

क्रम लाइसेंस संख्या और तिथि संख्या	लाइसेंसधारी का नाम और पता	रद्द किए गए लाइसेंस के अधीन वस्तु प्रक्रिया	संश्लेषण भारतीय मानक
1	2	3	4
1. सी०एम०/एल०3410 1973-05-07	सिस्को फार्मास्युटिकल्स (मद्रास) शिव राम एण्ड स्वामी का एक विभाग 154 नाइनथप्पा नायकन स्ट्रीट, मद्रास-3 (तमिलनाडु)	रंजकों से बनी फाउंटेन पेन की स्याही (रायलब्ल्यू) मार्का : "सिस्को इंक"	IS : 1221-1971 रंजकों से बनी फाउंटेन पेन की स्याही की विशिष्टि (नीली, हरी, बैंगनी, काली और लाल) (पहला पुनरीक्षण)

[संख्या सी०एम०बी०/55 : 3410]

New Delhi, the 1978-03-13

S.O. 832—In pursuance of sub-regulation (4) of regulation 14 of the Indian Standards Institution (Certification Marks), Regulations 1955 as amended from time to time, the Indian Standards Institution hereby notifies that Licence No. CM/L-3410 particulars of which are given below has been cancelled with effect from 1 January 1978 as the licensee did not start the production with ISI Mark due to the paucity of demand for their dye based inks.

SCHEDULE

Sl. No.	Licence No. and Date	Name & Address of the Licensee	Article/Process Covered by the Licensees Cancelled	Relevant Indian Standards
1	2	3	4	5
	CM/L-3410 1973-05-07	Sisco Pharmaceuticals (Madras), A Division of Sivaram & Swamy, 154 Nynlappa Naicken Street, Madras-3 (Tamil Nadu).	Dye based fountain pen ink (royal blue) Brand :—'SISCO INK'	IS : 1221---1971 Specification for dye based fountain pen ink (blue, green, violet, black and red) (first revision).

[No. CMD/55 : 3410]

नई दिल्ली, 1978-03-14

क्रा० प्रा० 833.—समय-समय पर संशोधित भारतीय मानक संस्था (प्रमाणन विभाग) विनियम 1955 के विनियम 14 के उपविनियम (4) के अनुसार मानक संस्था द्वारा अधिसूचित किया जाता है कि लाइसेंस संख्या सी०एम०/एल०-5428 जिसके ध्यौरे नीचे अनुसूची में दिए गए हैं, 1977-02-09 से रद्द कर दिया गया है क्योंकि फर्म अब अपनी नेताजी सुभाष मार्ग पर स्थिति फैक्टरी में इस वस्तु का उत्पादन नहीं करना चाहती है।

अनुसूची

क्रम संख्या	लाइसेंस संख्या और तिथि	लाइसेंसधारी का नाम और पता	रद्द किए गए लाइसेंस के अधीन वस्तु/प्रक्रिया	तत्सम्बन्धी भारतीय मानक
(1)	(2)	(3)	(4)	(5)
1.	सीएम/एस-5428 1976-08-11	सर्वश्री मकाली इंजीनियरिंग वर्क्स, 123/5, और 123/2, नेताजी सुभाष रोड, हावड़ा	जलकल कार्यों के लिए स्लूस वाल्व, श्रेणी 1 और श्रेणी 2, 300 मिमी तक के सभी साइज, मार्क : "मकाली"	IS : 780—1969 जलकल कार्यों के लिए स्लूस वाल्व की विशिष्ट (50 मिमी से 300 मिमी तक) (चतुर्थ पुनरीक्षण)

[संख्या सीएमसी/55 : 5428]

वाई० एस० वेंकटेश्वरन्, अपर महानिदेशक

New Delhi, the 1978-03-14

S.O. 833—In pursuance of sub-regulation (4) of regulation 14 of the Indian Standards Institution (Certification Marks), Regulations 1955 as amended from time to time, the Indian Standards Institution hereby notifies that Licence No. CM/L-5428 particulars of which are given below has been cancelled with effect from 1977-02-09 at the firm's request as they no longer intend to manufacture this product in their factory at Netaji Subhas Road.

SCHEDULE

Sl. No.	Licence No. and Date	Name & Address of the Licensee	Article/Process covered by the Licensees Cancelled	Relevant Indian Standards
(1)	(2)	(3)	(4)	(5)
1.	CM/L-5428 1976-08-11	M/s. Makali Engineering Works, 123/5 & 123/2, Netaji Subhas Road, Howrah.	Sluice valves for water works purposes, Class 1 and Class 2 All sizes upto and including 300 mm Brand: 'MAKALI'	IS : 780—1969 Specification for sluice valves for water works (50 to 300 mm) (Fourth Revision)

[No. CMD/55:5428]

Y.S. VENKATESWARAN, Additional Director General, ISI.

स्वास्थ्य और परिवार नियोजन मंत्रालय

(स्वास्थ्य विभाग)

नई दिल्ली, 6 मार्च, 1978

क्रा० भा० 834.—भारतीय चिकित्सा केन्द्रीय परिषद् अधिनियम, 1970 (1970 का 48) की धारा-3 की उपधारा (1) के खण्ड (ग) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा निम्नलिखित व्यक्तियों को भारतीय चिकित्सा की केन्द्रीय परिषद् के सदस्यों के रूप में मनोनीत करती है:—

आयुर्वेद:

- (1) वैद्य शिव कर्ण शर्मा छंगानी,
सीता बालवी,
नागपुर (महाराष्ट्र)।
- (2) वैद्य बृज मोहन वीक्षित,
काशी बशाला चौक,
वाराणसी (उत्तर प्रदेश)।
- (3) वैद्य गोरी शंकर द्विवेदी,
आदर्श रसायनशाला,
केनाल रोड, जम्मू।

और भारत सरकार भूतपूर्व स्वास्थ्य और परिवार नियोजन मंत्रालय की तारीख 21 अगस्त, 1971 की अधिसूचना संख्या 3-3/71-ए०ई० में निम्नलिखित संशोधन करती है:—

- (1) "धारा-3 की उपधारा (1) के खण्ड (ग) के अंतर्गत मनोनीत" शीर्षक के अधीन,

- (i) क्रम संख्या (3) और तत्संबंधी प्रविष्टियों के स्थान पर निम्नलिखित क्रम संख्या और प्रविष्टियां रखी जायें, नामतः:

"(3) वैद्य गोरी शंकर द्विवेदी
आदर्श रसायनशाला,
केनाल रोड,
जम्मू";

- (ii) क्रम संख्या (2) और उस से तत्संबंधी प्रविष्टियों के बाव निम्नलिखित क्रम संख्यायें तथा प्रविष्टियां रखी जाएं।

"(21) वैद्य शिव कर्ण शर्मा छंगानी,
सीताबालवी,
नागपुर, (महाराष्ट्र)"

"(22) वैद्य बृजमोहन वीक्षित,
काशी बशाला चौक,
वाराणसी (उत्तर प्रदेश)"

[सं० बी० 26013/1/77-आयु० ईस्क]

MINISTRY OF HEALTH & FAMILY WELFARE

(Department of Health)

New Delhi, the 6th March, 1978

S.O. 834.—In exercise of the powers conferred by clause (c) of sub-section (1) of section 3 of the Indian Medicine Central Council Act, 1970 (48 of 1970), the Central

Government hereby nominates the following persons as members of the Central Council of Indian Medicine, namely :—

Ayurveda :

1. Vaidya Shiv Karan Sharma Chhangani, Sitabaldi, Nagpur. (Maharashtra).
2. Vaidya Brij Mohan Dikshit, Kashi Bashala Chowk, Varanasi (U.P.).
3. Vaidya Gauri Shankar Dwivedi, Adarsh Rashyanshala, Canal Road, Jammu.

and makes the following amendments in the notification of the Government of India in the late Ministry of Health and Family Planning (Department of Health) No. 3-3/71-AE, dated 21st August, 1971.

1. Under the heading "Nominated under clause (c) of sub-section (1) of section 3,"—

- (i) for serial No. (3) and the entry relating thereto, the following serial No. and entry shall be substituted, namely :

“(3) Vaidya Gauri Shankar Dwivedi, Adarsh Rashyanshala, Canal Road, Jammu”;

- (ii) after serial No. (20) and the entry relating thereto, the following serial numbers and entries shall be inserted, namely :—

“(21) Vaidya Shiv Karan Sharma Chhangani, Sitabaldi, Nagpur. (Maharashtra)”

“(22) Vaidya Brij Mohan Dikshit, Kashi Bashala Chowk, Varanasi (U.P.)”.

[No. V 26013/1/77-Ay. Desk]

क्र० आ० 835.—भारतीय चिकित्सा केन्द्रीय परिषद् अधिनियम, 1970 (1970 का 48) की धारा-3 की उप धारा (1) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा :—

(1) नीचे दी गई सारणी के कालम-1 की सवृण प्रविष्टियों में विनिर्दिष्ट राज्यों से कालम-2 में विनिर्दिष्ट व्यक्तियों को [जो उक्त धारा-3 की उपधारा-1 के खण्ड (क) के अन्तर्गत सदस्य चुने जाने के योग्य हैं] भारतीय चिकित्सा केन्द्रीय परिषद् के सदस्यों के रूप में तब तक के लिए नामित करती है जब तक कि उक्त अधिनियम के उपबन्धों के अनुसार उक्त खण्ड (क) के अन्तर्गत सदस्य चुने नहीं जाते, अर्थात् :—

सारणी

राज्य का नाम	व्यक्ति का नाम
बिहार	वैद्य सिद्धेश्वर नाथ उपाध्याय, शिवपति भवन, पीरमोहनी, पटना-3.
हरियाणा	वैद्य राम लाल भारद्वाज, प्रभा निवास, गली प्रभित राजा राम, यमुनानगर।
गुजरात	वैद्य माधव प्रसाव आचार्य, जितेन्द्र चैम्बरस, आयुर्वेद भवन मार्ग, ग्रहमदाबाद।
हिमाचल प्रदेश	वैद्य धनी राम, 112, लोभर बाजार, शिमला।
महाराष्ट्र	वैद्य श्रीराम शर्मा, पुनारवास आयुर्वेदिक कालेज एक्वेरियम के पीछे, नेताजी सुभाष रोड, बम्बई।
राजस्थान	वैद्य सीताराम मिश्र, पंच बट्टी 3245, मिर्जा इस्माइल रोड, जयपुर।

(2) भारत सरकार के भूतपूर्व स्वास्थ्य और परिवार कल्याण मंत्रालय (स्वास्थ्य विभाग) द्वारा जारी की गई सं० 3-3-71-ए० ई०, दिनांक 21 अगस्त, 1971 की अधिसूचना में इस प्रकार संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में शीर्षक “धारा 3 की उप धारा (1) के खण्ड (क) के अन्तर्गत नामित” उपशीर्षक “आयुर्वेद” के अन्तर्गत :—

- (1) कालम 1 में बिहार प्रविष्टि के सामने कालम-2 में प्रविष्टि (5) के पश्चात् निम्नलिखित प्रविष्टि रखी जाए :—

“(5क) वैद्य सिद्धेश्वर नाथ उपाध्याय, शिवपति भवन, पीरमोहनी, पटना-3 (बिहार)”;

- (2) कालम 1 में “गुजरात” प्रविष्टि के सामने कालम 2 प्रविष्टि (6) के पश्चात् निम्नलिखित प्रविष्टि रखी जाए :—

“(6क) वैद्य माधव प्रसाव आचार्य, जितेन्द्र चैम्बरस, आयुर्वेद भवन मार्ग, ग्रहमदाबाद”;

- (3) कालम-1 में प्रविष्टि “हरियाणा” और कालम 2 में प्रविष्टि 6क की संख्या बदलकर (6कक) कर दी जाए और ऐसा करने के बाद निम्नलिखित प्रविष्टि भी रखी जाए, अर्थात् :—

“(6कक) वैद्य राम लाल भारद्वाज, प्रभा निवास, गली प्रभित, राजा राम, यमुनानगर (हरियाणा)”;

- (4) कालम 1 में प्रविष्टि “हरियाणा” के पश्चात् और तत्संबंधी कालम-2 की प्रविष्टियों के स्थान पर निम्नलिखित प्रविष्टियाँ प्रतिस्थापित की जाएँ, अर्थात् :—

1	2
“हिमाचल प्रदेश”	(6कग) वैद्य धनी राम, 112, लोभर बाजार, शिमला”

- (5) कालम 1 में “महाराष्ट्र” की प्रविष्टि के सम्मुख कालम 2 में (9क) प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि रखी जाए, अर्थात् :—

“(9कख) वैद्य श्रीराम शर्मा, पुनारवास आयुर्वेदिक कालेज, एक्वेरियम के पीछे, नेताजी, सुभाष रोड, बम्बई”;

- (6) कालम 1 में “राजस्थान” प्रविष्टि के सम्मुख कालम 2 में प्रविष्टि (15) के पश्चात् निम्नलिखित प्रविष्टि रखी जाए, अर्थात् :—

“(15क) वैद्य सीताराम मिश्र, पंच बट्टी 3245, मिर्जा इस्माइल रोड, जयपुर”।

[सं बी० 2601/13/77-आयु. डेस्क]

S.O. 835.—In exercise of the powers conferred by the proviso to sub-section (1) of section 3 of the Indian Medicine Central Council Act, 1970 (48 of 1970), the Central Government hereby,—

(i) nominates the persons (being persons qualified to be chosen as members under clause (a) of sub-section (1) of the said section (3), specified in column 2 of the Table below from the States specified in the corresponding entries in column 1 thereof, to be members of the Central Council of Indian Medicine until members are elected under the said clause (a) in accordance

with the provisions of the said Act and the rules made thereunder, namely :—

TABLE

Name of State	Name of Person
Bihar	Vaidya Siddheshwar Nath Upadhyaya, Shivpati Bhavan, Peermohani, Patna-3.
Haryana	Vaidya Ram Lal Bhardwaj, Prabha Nivas, Gali Pandit Raja Ram, Yamunanagar.
Gujarat	Vaidya Madhav Prasad Acharya, Jitendra Chambers, Ayurved Bhavan Marg, Ahmedabad.
Himachal Pradesh	Vaidya Dhani Ram, 112, Lower Bazar, Simla.
Maharashtra	Vaidya Shriram Sharma, Punarvasu Ayurvedic College, Behind Aquarium, Netaji Subhash Road, Bombay.
Rajasthan	Vaidya Sita Ram Mishra, Panch Vatti, 3245, Mirza Ismail Road, Jaipur.

(ii) makes the following amendments in the notification of the Government of India in the late Ministry of Health and Family Planning (Department of Health) No. 3-3/71-AE, dated the 21st August, 1971, namely :—

In the said notification, under the heading "nominated under clause (a) of sub-section (1) of section 3", under the sub-heading "Ayurveda",—

(i) against the entry "Bihar", in column 1, after entry (5) in column 2, the following entry shall be inserted, namely :—

"(5A) Vaidya Siddheshwar Nath Upadhyaya, Shivpati Bhavan, Peermohani, Patna-3 (Bihar)" ;

(ii) against the entry "Gujarat", in column 1, after entry (6) in column 2, the following entry shall be inserted, namely :—

"(6A) Vaidya Madhav Prasad Acharya, Jitendra Chambers, Ayurved Bhavan Marg, Ahmedabad" ;

(iii) against the entry "Haryana", in column 1, entry 6A in column 2 shall be renumbered as (6AA) and after the entry as so renumbered, the following entry shall be inserted, namely :—

"(6AB) Vaidya Ram Lal Bhardwaj, Prabha Nivas, Gali Pandit Raja Ram, Yamunanagar, (Haryana)" ;

(iv) after the entry "Haryana" in column 1, and the entries relating thereto in column 2, the following entries shall be inserted, namely :—

1	2
"Himachal Pradesh	(6AC) Vaidya Dhani Ram, 112, Lower Bazar, Simla."

(v) against the entry "Maharashtra" in column 1 after entry (9A) in column 2, the following entry shall be inserted, namely :—

"(9AB) Vaidya Shriram Sharma, Punarvasu Ayurvedic College, Behind Aquarium, Netaji Subhash Road, Bombay" ;

(vi) against the entry "Rajasthan" in column 1, after entry (15) in column 2, the following entry shall be inserted, namely :—

"(15A) Vaidya Sita Ram Mishra, Panch Batti, 3245, Mirza Ismail Road, Jaipur".

[No. V. 26013/1/77-Ay. Desk]

का० आ० 836.—भारतीय चिकित्सा केन्द्रीय परिषद् अधिनियम, 1970 (1970 का 48) की प्रथम अनुसूची के प्रथम पैरा के अनुसरण में केन्द्रीय सरकार एतद्वारा भारतीय चिकित्सा की केन्द्रीय परिषद् में बिहार, गुजरात, केरल, मध्य प्रदेश, महाराष्ट्र, राजस्थान, पश्चिम बंगाल और हरियाणा राज्यों के बारे में आयुर्वेद चिकित्सा पद्धति के लिए सीटें, अनियत करती है और आगे निर्देश देती है कि भारत सरकार के शूनपूर्व स्वास्थ्य और परिवार कल्याण मंत्रालय (स्वास्थ्य विभाग) द्वारा जारी की गई सं० 3-9-69-ए० ई० दिनांक 10-8-1971 और सं० 3-9-69 ए० ई० (भाग-2) दिनांक 19-10-72 की अधिसूचनाओं में निम्नलिखित संशोधन किया जाए, अर्थात् :—

उक्त अधिसूचनाओं में सारणी के कालम 2 के अन्तर्गत आयुर्वेद से संबंधित बिहार, गुजरात, केरल, मध्य प्रदेश, महाराष्ट्र, राजस्थान, पश्चिम बंगाल और हरियाणा राज्यों के सामने जो प्रविष्टियाँ की गई हैं उनके स्थान पर कालम 2 में विनिर्दिष्ट प्रविष्टियाँ प्रतिस्थापित की जाएँ अर्थात् :—

"राज्य का नाम"	आयुर्वेद के लिए सीटों की संख्या
1	2
1. बिहार	3
2. गुजरात	2
3. केरल	2
4. मध्य प्रदेश	2
5. महाराष्ट्र	3
6. राजस्थान	2
7. पश्चिम बंगाल	2
8. हरियाणा	2

[सं० बी० 26013/1/77-आयु० डेस्क]

के० बी० पिल्ले, उप सचिव

S.O. 836—In pursuance of paragraph 1 of the First Schedule to the Indian Medicine Central Council Act, 1970 (48 of 1970), the Central Government hereby determines the number of seats allocated in the Central Council of Indian Medicine to Ayurveda System of Medicine in respect of the States, of Bihar, Gujarat, Kerala, Madhya Pradesh, Maharashtra, Rajasthan, West Bengal and Haryana and directs that the following amendments be made in the notifications of the Government of India in the late

Ministry of Health and Family Planning (Department of Health)
No. 3-9/69-AE dated 10th August, 1971 and F. 3-9-69-AE (Pt-II)
dated 19th October, 1972, namely :—

In the said notifications, in the Table, under column 2 relating to Ayurveda, the entries against the States of Bihar, Gujarat, Kerala, Madhya Pradesh, Maharashtra, Rajasthan, West Bengal and Haryana shall substituted by the entries as specified in column 2, namely :—

"Name of State	Number of Seats for Ayurveda
(1)	(2)
1. Bihar	3
2. Gujarat	2
3. Kerala	2
4. Madhya Pradesh	2
5. Maharashtra	3
6. Rajasthan	2
7. West Bengal	2
8. Haryana	2

[No. V. 26013/1/77-Ay. Desk]

K. B. PILLAI, Dy. Secy.

परमाणु ऊर्जा विभाग

बम्बई, 28 फरवरी, 1978

का० भा० 837.—केन्द्रीय सरकार, सरकारी स्थान (संप्राधिकृत अधिभोगियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निम्नलिखित सारणी के स्तम्भ (1) में उल्लिखित अधिकारी की, जो सरकार का राजपत्रित अधिकारी है, उक्त अधिनियम के प्रयोजनों के लिए सम्पदा अधिकारी नियुक्त करती है और उक्त अधिकारी, उक्त सारणी के स्तम्भ (2) में विनिर्दिष्ट सरकारी स्थानों के प्रवर्ग के बारे में अपनी अधिकारिता की स्थानीय सीमाओं के भीतर, उक्त अधिनियम द्वारा या उसके अधीन सम्पदा अधिकारियों को प्रदत्त शक्तियों का प्रयोग और अधिरोपित कर्मियों का पालन करेगा।

सारणी

अधिकारी का पद नाम	सरकारी स्थानों के प्रवर्ग और अधिकारिता की स्थानीय सीमाएं
(1)	(2)
प्रशासन-अधिकारी भारी जल परियोजना (बड़ोदा) परमाणु ऊर्जा विभाग, जिला बड़ोदारा, डाकघर फटीलाहजर नगर	भारी जल परियोजना (बड़ोदा) के प्रवर्गों या उनके अधीन स्थान (1) डाकघर—फटीलाहजर नगर, जिला—बड़ोदारा, गुजरात, राज्य (2) भारी जल परियोजना, हाउसिंग कॉलोनी छाती रोड, आकटाय नाका के निकट, राष्ट्रीय राज मार्ग संख्या 8, डाकघर—फतेहगानी, जिला बड़ोदारा, गुजरात राज्य।

(1)

(2)

(3) भारी जल परियोजना, फायर स्टॉफ हाउसिंग कॉलोनी, डाकघर—फटीलाहजर नगर, जिला बड़ोदारा, गुजरात राज्य

[फा० सं० 13/2/73-ए००]

एल० एच० मीरचन्दानी, उप सचिव

(Department of Atomic Energy)

Bombay, the 28th February, 1978

S.O. 837.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the officer mentioned in column (i) of the Table below, being a gazetted officer of Government, to be estate officer for the purposes of the said Act, and the said officer shall exercise the powers conferred and perform the duties imposed on estate officers by or under the said Act, within the local limits of his jurisdiction in respect of the categories of public premises specified in column (2) of the said Table.

TABLE

Designation of the Officer	Categories of public premises and local limits of jurisdiction
(1)	(2)
Administrative Officer, Heavy Water Project (Baroda) Department of Atomic Energy P.O. Fertilizernagar, District: Vadodara.	Premises belonging to or under the management of Heavy Water Project, (Baroda). 1. P.O. Fertilizernagar, District : Vadodara, Gujarat State. 2. Heavy Water Project Housing Colony, Near Chhani Road, Octroi Naka, National Highway No. 8, P.O. Fatehgani, District : Vadodara, Gujarat State. 3. Heavy Water Project Fire Staff Housing Colony, P.O. Fertilizernagar, District : Vadodara, Gujarat State.

[File No. 13/2/73-(H)]

L. H. MIRCHANDANI, Dy. Secy.

ऊर्जा मंत्रालय

(कोयला विभाग)

नई दिल्ली, 16 फरवरी, 1978

का० भा० 838.—एतद्वारा यह अधिसूचित किया जाता है कि कोयला कोयला खान (राष्ट्रीयकरण) अधिनियम, 1972 (1972 का 36) की धारा 20 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा ऊर्जा मंत्रालय (कोयला विभाग) भारत सरकार की विनॉक 5 अगस्त, 1977 की अधिसूचना संख्या 11023/9/76 सी० ए० के अधिक्रमण में केन्द्रीय सरकार ने उक्त अधिनियम के उद्देश्यों हेतु दिनांक 25 जनवरी, 1978 के पूर्वाह्न से, श्री एस० एस० सिन्हा को भुगतान आयुक्त नियुक्त किया है।

[संख्या 11023/9/76-सी० ए०]

जी० वी० जी० रमन, उप सचिव

MINISTRY OF ENERGY
(Department of Coal)

New Delhi, the 16th February, 1978

S.O. 838.—It is hereby notified that in exercise of the powers conferred by sub-section (1) of section 20 of the Coking Coal Mines (Nationalisation) Act, 1972 (36 of 1972) and in supersession of the notification of the Government of

India in the Ministry of Energy (Department of Coal) No. 11023/9/76-CA dated the 5th August, 1977, the Central Government has appointed Shri S. S. Sinha as the Commissioner of Payments for the purposes of the said Act with effect from the fore-noon of the 25th January, 1978.

[No. 11023/9/76-CA]

G. V. G. RAMAN, Dy. Secy.

ऊर्जा मंत्रालय

(कोयला विभाग)

नई दिल्ली, 8 मार्च, 1978

क्रा०भा० 839.—केन्द्रीय सरकार को यह प्रतीत होता है कि इससे उपान्वृत्त अनुसूची में वर्णित भूमि में कोयला अभिप्राप्त किए जाने की संभावना है।

धतः अब केन्द्रीय सरकार, कोयला वाले क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 4 की उपधारा (1) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, उसमें कोयले का पूर्वेक्षण करने के अपने आशय की सूचना देती है।

इस अधिसूचना के अधीन आने वाले क्षेत्र के रेखांक का निरीक्षण सेन्ट्रल कोल फील्ड्स लिमिटेड (राजस्व अनुभाग) के कार्यालय, दरभंगा हाउस, राँची या उपायुक्त के कार्यालय, पलामू (बिहार) या कोयला नियंत्रक के कार्यालय 1 काउंसिल हाउस स्ट्रीट, कलकत्ता में किया जा सकता है।

इस अधिसूचना के अन्तर्गत आने वाली भूमि में हितवृद्ध सभी व्यक्ति उक्त अधिनियम की धारा 13 की उपधारा (7) में वर्णित सभी मन्त्रों, चाटें और अन्य दस्तावेजों इस अधिसूचना के प्रकाशन की तारीख से 90 दिन के भीतर राजस्व अधिकारी केन्द्रीय कोल फील्ड्स लिमिटेड, दरभंगा हाउस, राँची को परिवर्तित कर देंगे।

अनुसूची

मेराल ब्लॉक

डालटनगंज कोलफील्ड

ड्राईंग सं० राजस्व/59/77

तारीख 1-10-1977

(जिसमें पूर्वेक्षण के लिए अधिसूचना भूमि दर्शात है)

क्र.सं.	ग्राम	थाना	थाना सं०	जिला	क्षेत्रफल	टिप्पण
1.	गोलहाना	पटन	189	पलामू		भाग
2.	सखुघा	"	191	"		"
3.	बटसरा	"	203	"		"
4.	झारीमल	"	204	"		"
5.	मेराल	"	205	"		"
6.	भोगा	"	206	"		"
7.	सिप्राहा खुर्द	डालटनगंज	194	"		"
8.	सिप्राहा कलाई	"	195	"		"
9.	टिकुलिया	"	196	"		"
10.	जोनर	"	199	"		"

कुल क्षेत्रफल : 3125.00 एकड़ (लगभग)

1386.02 हेक्टर (लगभग)

सीमा वर्णन

क—ख रेखा थाना पटन के बटसरा ग्राम से होकर और थाना डालटनगंज के ग्राम सिप्राहा कलाई, सिप्राहा खुर्द, टिकुलिया से होकर जाती है।

ख—ग रेखा थाना डालटनगंज के टिकुलिया और जोनर गाँवों से होकर जाती है।

ग—घ रेखा थाना डालटनगंज के ग्राम जोनर से होकर और तब थाना पटन के मेराल, भोगा, गोलहाना ग्रामों से होकर जाती है।

घ—क रेखा थाना पटन के (जो कोयला अधिनियम के अधीन अधिसूचित कयौनटिया ब्लॉक की सामान्य सीमा का भाग भी है) ग्राम गोलहाना, सखुघा और बटसरा से होकर जाती है और प्रारम्भिक बिन्दु 'क' पर मिलती है।

[सं० 19(57)/77-सी०एल०]

New Delhi, the 8th March, 1978

S.O. 839.—Whereas it appears to the Central Government that coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government hereby gives notice of its intention to prospect for coal therein.

The plan of the area covered by this notification can be inspected at the Office of the Central Coalfields Limited (Revenue Section), Darbhanga House, Ranchi or at the Office of the Deputy Commissioner, Palamau (Bihar), or at the office of the Coal Controller, 1, Council House Street, Calcutta.

All persons interested in the land covered by this notification shall deliver all maps, charts and other documents referred to in sub-section (7) of Section 13 of the said Act to the Revenue Officer, Central Coalfields Limited, Darbhanga House, Ranchi, within 90 days from the date of publication of this notification.

SCHEDULE
Meral Block
(Daltonganj Coalfield)

Drg. No. Rev/59/77
dated 1-10-1977
(Showing lands notified for
prospecting)

Sl. No.	Village	Thana	Thana No.	District	Area	Remarks
1.	Golhana	Patan	189	Palamau		Part
2.	Sakhua	-do-	191	-do-		-do-
3.	Batsara	-do-	203	-do-		-do-
4.	Jharinimla	-do-	204	-do-		Full
5.	Meral	-do-	205	-do-		Part
6.	Bhonga	-do-	206	-do-		-do-
7.	Singraha Khurd	Daltonganj	194	-do-		-do-
8.	Singraha Kalan	-do-	195	-do-		-do-
9.	Tikuliya	-do-	196	-do-		-do-
10.	Jonr	-do-	199	-do-		-do-

Total area : 3425.00 acres (approx.)
or 1386.02 hec. (approx.)

Boundary description :—

- A-B—** line passes through village Batsara of thana Patan and through villages Singraha Kalan, Singraha Khurd, Tikulia of thana Daltonganj.
- B-C—** line passes through villages Tikulia and Jonr of thana Daltonganj.
- C-D—** line passes through village Jonr of thana Daltonganj then through villages Meral, Bhonga, Golhana, of thana Patan.
- D-A—** line passes through villages Golhana, Sakhua and Batsara of thana Patan (which is also the part common boundary of Kathautia block notified u/s 4 of the Coal Act), and meets at starting point 'A'.

[No. 19(57)/77-CL]

का० प्रा० 840.—केन्द्रीय सरकार को यह प्रतीत होता है कि इससे उपाबद्ध अनुसूची में वर्णित भूमि से कोयला प्राप्त किए जाने की संभावना है।

अतः, अब, केन्द्रीय सरकार कोयला वाले क्षेत्र (अग्नि और विकास) अधिनियम, 1957 (1957 का 20) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उनमें कोयले का पर्वक्षण करने के अपने प्रायश्च की सूचना देती है।

इस अधिसूचना के अधीन आने वाले क्षेत्र के रेखांक का निरीक्षण सेन्ट्रल कोल फील्ड्स लिमिटेड (राजस्व अनुभाग) का कार्यालय, दरभंगा हाउस, राँची में या उपायुक्त का कार्यालय, राँची (बिहार) में या कोयला निर्यन्त्रक का कार्यालय, 1, कांसिल हाउस स्ट्रीट, कलकत्ता में किया जा सकता है।

इस अधिसूचना के अधीन आने वाली भूमि में हितबद्ध सभी व्यक्ति उक्त अधिनियम की धारा 13 की उपधारा (7) में निर्दिष्ट सभी नक्शे, चार्ट या अन्य दस्तावेज इस अधिसूचना के प्रकाशन की तारीख से 90 दिन के भीतर राजस्व अधिकारी, सेन्ट्रल कोल फील्ड्स लिमिटेड, दरभंगा हाउस, राँची को परिवर्त कर देंगे।

अनुसूची
पिडरा-दतमा विस्तार ब्लॉक
पश्चिमी बोकारो कोलफील्ड

डा० सं० राजस्व/82/77
तारीख 15-11-1977
(जिसमें पर्वक्षण के लिए अधिसूचित भूमि वर्णित की गई है)

क्रम सं०	ग्राम	थाना	थाना सं०	जिला	टिप्पण
1. रबोध		मंडू	51	हजारी बाग	भाग
	कुल क्षेत्रफल :	270.00 एकड़ (लगभग)			
		109.26 हेक्टर (लगभग)			

सीमा वर्णन

क-ख रेखा ग्राम रबोध में से होकर जाती है।

ख-ग रेखा ग्राम रबोध में से होकर जाती है।

ग-घ रेखा ग्राम रबोध और दतमा की भागतः सामान्य सीमा के साथ-साथ जाती है (जो दतमा कोलियरी की भागतः सामान्य सीमा भी है)

घ-ङ रेखा ग्राम पिडरा और रबोध की भागतः सामान्य सीमा के साथ साथ जाती है (जो पिडरा कोलियरी की भागतः सामान्य सीमा भी है) और प्रारम्भिक बिन्दु 'क' पर मिलती है।

[सं० 19(1)/78 एल०(सी०एल०)]

S.O. 840.—Whereas it appears to the Central Government that coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government hereby gives notice of its intention to prospect for coal therein,

2. The plan of the area covered by this notification can be inspected at the Office of the Central Coalfields Limited, (Revenue Section), Darbhanga House, Ranchi or at the Office of the Deputy Commissioner, Hazaribagh (Bihar) or at the Office of the Coal Controller, Council House Street, Calcutta.

All persons interested in the land covered by this notification shall deliver all maps, charts and other documents referred to in sub-section (7) of Section 13 of the said act to the Revenue Officer, Central Coalfields Limited, Darbhanga House, Ranchi within 90 days from the date of publication of this notification in the Official Language.

SCHEDULE

Drg. No. Rev/62/77

Pindra-Datma Extention Block
(West Bokaro Coalfield)

dt. 15-11-1977

Showing land notified for
prospccting.

Sl. No.	Village	Thana	Thana No.	District	Remarks
1.	Rabodh	Mandu	51	Hazaribagh	Part
Total area :—270.00 acres (approx.) or 109.26 hectares (approx.)					

Boundary Description :—

A-B—line passes through village Rabodh.

B-A—line passes through village Rabodh.

C-D —line passes along the part common boundary of villages Rabodh and Datma (which is also part common boundary of Datma Colliery).

D-A —line passes along the part common boundary of villages Pindra and Rabodh (which is also the part common boundary of Pindra Colliery) and meets at starting point 'A'.

[No. 19(1)/78-CL]

क्रा०आ० 841.—केन्द्रीय सरकार को यह प्रतीत होता है कि इससे उपावद्ध अनुसूची में वर्णित भूमि में कोयला अनिप्राप्त किए जाने की संभावना है। अतः, अब केन्द्रीय सरकार, कोयला वाले क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 4 की उपधारा (1) द्वारा प्रयत्न शक्तियों का प्रयोग करने के लिए, उनमें कोयले का पूर्वोक्त करने के अपने प्राणय की सूचना देती है।

इस अधिसूचना के अधीन आने वाले क्षेत्र के रेखांक का निरीक्षण सेन्ट्रल कोल फील्ड्स लिमिटेड (राजस्व अनुभाग) कार्यालय, दरभंगा हाउस, रांची या उपावद्ध कार्यालय, रांची (बिहार), या कोयला नियंत्रक के कार्यालय, 1 काउन्सिल हाउस स्ट्रीट, कलकत्ता में किया जा सकता है।

इस अधिसूचना के अन्तर्गत आने वाली भूमि में हितवद्ध सभी व्यक्तियों को उक्त अधिनियम की धारा 13 की उपधारा (7) में वर्णित सभी मानचित्र, चार्ट और अन्य दस्तावेज, इस अधिसूचना के प्रकाशन की तारीख से 90 दिन के भीतर राजस्व अधिकारी, केन्द्रीय कोल फील्ड्स लिमिटेड, दरभंगा हाउस, रांची को दे देना चाहिए।

अनुसूची

चूरी एक्सटेंशन ब्लॉक

(उत्तरी करनपुरा कोलफील्ड)

ड्राइंग सं० राजस्व/46/77

तारीख 23-8-77

(जिसमें पूर्वोक्त के लिए अधिसूचित भूमि वर्णित है)

क्रम सं०	ग्राम	थाना	थाना सं०	जिला	क्षेत्रफल	टिप्पण
1.	चूरी	बरमू	16	रांची		भाग

कुल क्षेत्रफल : 1000.00 एकड़ (लगभग)

या 404.68 हेक्टर (लगभग)

सीमा वर्णन :

क-ख—रेखा ग्राम चूरी से (जो मनकी कॉलियरी की भागत: सामान्य सीमा है) होकर जाती है।

ख-ग—घ रेखा ग्राम चूरी से (जो चूरी कोलियरी की भागत: सीमा है) होकर जाती है।

घ-ङ—रेखा साफी नदी की भागत: मध्य रेखा से (जो ग्राम चूरी और रे और चूरी और बबरा की भागत: सामान्य सीमा भी है) जाती है।

ङ-च—रेखा ग्राम चूरी से (जो रे कॉलियरी की भागत: सामान्य सीमा है) होकर जाती है।

च-फ—रेखा रामोदर या देवनद नदी की भागत: मध्य रेखा से (जो हजारीबाग और रांची की जिला सीमा की भागत: सामान्य सीमा भी है) होकर जाती है।

[सं० 19(67)/77-सी०एल०]

S.O. 841.—Whereas it appears to the Central Government that coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government hereby gives notice of its intention to prospect for coal therein.

The plan of the area covered by this notification can be inspected at the Office of the Central Coalfields Limited (Revenue Section), Darbhanga House, Ranchi or in the Office of the Deputy Commissioner, Ranchi (Bihar) or in the Office of the Coal Controller, 1, Council House Street, Calcutta.

All persons interested in the land covered by this notification shall deliver all maps, charts and other documents referred to in sub-section (7) of Section 13 of the said Act to the Revenue Officer, Central Coalfields Limited, Darbhanga house, Ranchi within 90 days from the date of the publication of this notification.

SCHEDULE

Churi Extn. Block
(North Karanpura Coalfield)

Drg. No. Rev/46/77
dated 26-8-77

(Showing land notified for
prospecting).

Sl. No.	Village	Thana	Thana No.	District	Area	Remarks
1.	Churi	Burmu	16	Ranchi		Part.
Total area :—1000.00 acres (approx.) or 404.68 hec. (approx.)						

Boundary Description :

A-B—line passes through village Churi (which forms part common boundary with Manki Colliery).

B-C-D—lines pass through village Churi (which forms part common boundary with Churi Colliery).

D-E—line passes along the part central line of saphi Nadi (which is also part common boundary between villages Churi and Ray and Churi and Bachra).

E-F—line passes through village Churi (which forms part common boundary with Ray Colliery).

F-A—line passes along the part central line of River Damodar or Deonod (which is also the part district boundary of Hazaribagh and Ranchi)

[No. 19(67)/77-CL]

का०अ० 842.—केन्द्रीय सरकार को यह प्रतीत होता है कि इससे उपायुक्त अनुसूची में वर्णित भूमि से कोयला प्राप्त किए जाने की संभावना है।

अतः, अब, केन्द्रीय सरकार कोयला वाले क्षेत्र (अर्जेंट ग्रीन विकास) अधिनियम, 1957 (1957 का 20) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उनमें कोयले का पूर्वेक्षण करने के अपने आशय की सूचना देती है।

इस अधिसूचना के अधीन आने वाले क्षेत्र के रेखांक का निरीक्षण सेन्ट्रल कोल फील्ड्स लिमिटेड (राजस्व अनुभाग) का कार्यालय, दरभंगा हाउस, राँची में या उपायुक्त का कार्यालय, राँची (बिहार) में या कोयला नियंत्रक का कार्यालय, 1, कौंसिल हाउस स्ट्रीट, कलकत्ता में किया जा सकता है।

इस अधिसूचना के अधीन आने वाली भूमि में हितबद्ध सभी व्यक्ति उक्त अधिनियम की धारा 13 की उपधारा (7) में निर्दिष्ट सभी नक्शे, चार्ट या अन्य वस्तावेज इस अधिसूचना के प्रकाशन की तारीख से 90 दिन के भीतर राजस्व अधिकारी, सेन्ट्रल कोल फील्ड्स लिमिटेड, दरभंगा हाउस, राँची को परिपक्व कर देंगे

अनुसूची

हेन्डगिर एक्सटेन्शन ब्लॉक

(उत्तरी करणपुर कोलफील्ड)

डा० सं० राजस्व/58/77

तारीख 1-10-1977

(जिसमें प्रोक्षण के लिए भूमि वर्णित की गई है)

क्रम सं०	ग्राम	थाना	थाना सं०	जिला	क्षेत्रफल	टिप्पण
1.	हेन्डग	बर्मु	31	राँची		भाग
2.	छापर	बर्मु	33	राँची		भाग
3.	बिजा	बर्मु	34	राँची		भाग

कुल क्षेत्रफल : 385.00 एकड़ (लगभग)

या 155.80 हेक्टर (लगभग)

सीमा वर्णन :

क-ख रेखा ग्राम हेन्डग में से होकर जाती है।

ख-ग रेखा ग्राम हेन्डग और बिजा में से होकर जाती है।

ग-घ रेखा ग्राम बिजा और छापर में से होकर जाती है। (जो हेन्डगिर कोलियरी की भागत सामान्य सीमा भी है)

घ-क रेखा ग्राम छापर और हेन्डग में से होकर जाती है और प्रारम्भिक बिन्दु 'क' पर मिलती है।

[सं० 19(56)/77-सी०एल०]

S.O. 842.—Whereas it appears to the Central Government that coal is likely to be obtained from the lands mentioned in the schedule hereto annexed ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government hereby gives notice of its intention to prospect for coal therein ;

The plan of the area covered by this notification can be inspected at the Office of the Central Coalfields Limited (Revenue Section), Darbhanga House, Ranchi, or at the Office of the Deputy Commissioner, Ranchi (Bihar), or at the Office of the Coal Controller, 1, Council House Street, Calcutta.

All persons interested in the land covered by this notification shall deliver all maps, charts and other documents referred to in sub-section (7) of Section 13 of the said Act to the Revenue Officer, Central Coalfields Limited, Darbhanga House, Ranchi within 90 days from the date of publication of this notification.

SCHEDULE

Hendegir Extn. Block
(North Karanpura Coalfield)

Drg. No. Rev/58/77

dated 1-10-1977

(Showing lands for
prospecting).

Sl. No.	village	Thana	Thana No.	District	Area	Remarks
1.	Hendag	Burmu	31	Ranchi		Part
2.	Chhapar	-do-	33	-do-		-do-
3.	Binja	-do-	34	-do-		-do-

Total area :—385.00 acres (approx.)

or 155.80 hec. (approx.)

Boundary Description :

A-B line passes through village Hendag.

B-C line passes through village Hendag and Binja.

C-D line passes through village Binja and Chhapar.
(which is also part common boundary of Hendegir Colliery).

D-A line passes through villages Chhapar and Hendag and meets at starting point 'A'.

[No. 19(56)/77-CL]

का०प्रा० 843.—केंद्रीय सरकार को यह प्रतीत होता है कि इससे उपाय्य अनुसूची में वर्णित भूमि से कोयला प्राप्त किए जाने की संभावना है।

अतः, अध, केंद्रीय सरकार कोयला वाले क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उनमें कोयले का पूर्वक्षण करने के अपने आशय की सूचना देती है।

इस अधिसूचना के अधीन आने वाले क्षेत्र के रेखांक का निरीक्षण सेन्दल कोल फील्ड्स लिमिटेड (राजस्व अनुभाग) कार्यालय, दरभंगा हाउस, रांची में या उपायुक्त का कार्यालय, रांची (बिहार) में या कोयला नियंत्रक का कार्यालय, 1, कांसिल हाउस स्ट्रीट कलकत्ता में किया जा सकता है।

इस अधिसूचना के अधीन आने वाली भूमि में हितबद्ध सभी व्यक्ति उक्त अधिनियम की धारा 13 की उपधारा (7) में निर्दिष्ट सभी नक्शे, चार्ट या प्रत्यक्ष दस्तावेजों इस अधिसूचना के प्रकाशन की तारीख से 90 दिन के भीतर राजस्व अधिकारी, सेन्दल कोल फील्ड्स लिमिटेड, दरभंगा हाउस, रांची को परि-वर्त कर देंगे।

अनुसूची

कर्कटा-पश्चिमी टुमंग ब्लॉक
(उत्तरी करणपुर कोलफील्ड)

डा० सं० राजस्व/64/77 तारीख 12-12-77
(जिसमें पूर्वक्षण के लिए अधिसूचित भूमि दर्शित है)

क्रम सं०	ग्राम	थाना	थाना सं०	जिला	टिप्पण
1.	नवाडीह	बर्मु	4	रांची	भाग
	कुल क्षेत्र :	290.00 एकड़ (लगभग)			
	या	117.35 हेक्टर (लगभग)			

सीमा वर्णन:—

- क-ख रेखा भागतः ग्राम नवाडीह में से होकर फिर ग्राम नवाडीह और हेसलंग की भागतः सामान्य सीमा के साथ-साथ जाती है।
ख-ग-घ-ङ-च रेखा ग्राम नवाडीह में से होकर जाती है।
च-छ रेखा ग्राम नवाडीह और कर्कटा की भागतः सामान्य सीमा के साथ-साथ जाती है।
छ-ज रेखा ग्राम नवाडीह और टुमंग की भागतः सामान्य सीमा के साथ-साथ जाती है।
ज-क रेखा ग्राम नवाडीह में से होकर जाती है जो कोयला अधिनियम की धारा 9(1) के अधीन का०प्रा० सं० 4830 तारीख 3-12-76 के अनुसार ब्लॉक 1-कर्कटा कोलियरी एक्सटेंशन की दक्षिणी सीमा भी है।

[सं० 19(2)/78-सी०एन०]

S.O. 843.—Whereas it appears to the Central Government that coal is likely to be obtained from the lands mentioned in the schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government hereby gives notice of its intention to prospect for coal therein.

2. The plan of the area covered by this notification can be inspected in the Office of the Central Coalfields Limited (Revenue Section), Darbhanga House, Ranchi, or at the Office of the Deputy Commissioner, Ranchi (Bihar), or at the Office of the Coal Controller, 1, Council House Street, Calcutta.

All persons interested in the land covered by this notification shall deliver all maps, charts and other documents referred to in sub-section (7) of Section 13 of the said act to the Revenue Officer, Central Coalfields Limited, Darbhanga house, Ranchi, within 90 days from the date of publication of this notification.

SCHEDULE

Karkata-West Tumang Block
(North Karanpura Coalfield)

Drg. No. Rev/64/77
Dated 12-12-77
(Showing land notified for prospecting).

Sl. No.	Village	Thana	Thana No.	District	Remarks
1.	Nawadih	Burmu	4	Ranchi	Part

Total area :—290.00 acres (approx.)
or 117.35 hectares (approx.)

Boundary Description :—

- A-B line passes partly through village Nawadih, then along the part common boundary of villages Nawadih and Hesalong.
B-C-D-E-F lines pass through village Nawadih.
F-G line passes along the part common boundary of villages Nawadih and Karkata.
G-H line passes along the part common boundary of villages Nawadih and Tumang.
H-A line passes through village Nawadih which is also southern boundary of Block-1-Karkata Colliery Extn. acquired u/s 9(1) of the Coal Act, vide S.O. No. 4830 dt. 3-12-76.

[No. 19(2)/78-CL]

नई दिल्ली, 9 मार्च, 1978

कां० प्रा० 844.—केन्द्रीय सरकार को यह प्रतीत होता है कि इससे उपायध्द अनुसूची में वर्णित भूमि में कोयला अभिप्राप्त किए जाने की संभावना है।

अतः, अब केन्द्रीय सरकार, कोयला वाले क्षेत्र (अर्जन और विकास) अधिनियम 1957 (1957 का 20) की धारा 4 की उपधारा (1) द्वारा प्रवर्त शक्तियों का प्रयोग करते हुए, उसमें कोयले का पूर्वेक्षण करने के अपने आशय की सूचना देती है।

इस अधिसूचना में अधीन आने वाले क्षेत्र के रेखांक का निरीक्षण पश्चिमी कोल फील्ड्स लिमिटेड (राजस्व अनुभाग) कार्यालय, बिसेसर हाउस, मन्दिर मार्ग, नागपुर, या कलेक्टर, के कार्यालय, बिलासपुर (मध्य प्रदेश) या कोयला नियंत्रक के कार्यालय, 1 काउन्सिल हाउस स्ट्रीट, कलकत्ता में किया जा सकता है।

इस अधिसूचना के अन्तर्गत आने वाली भूमि में हितबद्ध सभी व्यक्ति उक्त अधिनियम की धारा 13 की उपधारा (7) में वर्णित सभी नक्शे चार्ट और अन्य दस्तावेज इस अधिसूचना के प्रकाशन की तारीख से 90 दिन के भीतर राजस्व अधिकारी पश्चिमी कोल फील्ड्स लिमिटेड, बिसेसर हाउस, मन्दिर मार्ग, नागपुर-1 को परिवर्त करेंगे।

अनुसूची

राजगमर एम्बेडेशन ब्लाक

(कोरबा कोलफील्ड) जिला बिलासपुर (म०प्र०)

ड्राइंग सं० सी-1(ई)/III-घार० डी० 0211077

तारीख 27-9-1977

(जिसमें पूर्वेक्षण के लिए अधिसूचित भूमि दर्शित है)

क्रम सं०	ग्राम का नाम	खेबट सं०	पट्टाकारी सकिल सं०	तहसील	जिला	क्षेत्रफल	टिप्पण
1.	राजगमर	249	19	काट धोरा	बिलासपुर	—	भाग
2.	कोरकोमा	252	19	"	"	—	भाग
3.	केरवा (यू/एस)	—	19	"	"	—	भाग
4.	धेंगुर डीह (यू/एस)	—	19	"	"	—	भाग
5.	केरा कच्छार	251	18	"	"	—	भाग

कुल क्षेत्रफल : 1250.00 एकड़ (लगभग)

या 506.00 हेक्टर (लगभग)

सीमा वर्णन —

क-ख रेखा राजगमर ब्लाक की पूर्वी सीमा के साथ-साथ, जैसा कि कां० प्रा० सं० 2989 तारीख 7-10-1963 के अनुसार कोयला वाले क्षेत्र (अर्जन और विकास) अधिनियम, 1957 की धारा 9 के अधीन पहले ही अधिसूचित किया जा चुका है, ग्राम राजगमर से होकर जाती है और बिन्दु 'ख' पर मिलती है।

ख-ग रेखा ग्राम राजगमर, धेंगुर डीह (यू/एस) और कोरकोमा से होकर जाती है और बिन्दु 'ग' पर मिलती है।

ग-घ-ङ रेखा ग्राम कोरकोमा, राजगमर, केरवा और केरा कच्छार से होकर जाती है और बिन्दु 'ङ' पर मिलती है।

ङ-च रेखा ग्राम केरा कच्छार से होकर जाती है और ग्राम केरा कच्छार और राजगमर की सामान्य सीमा पर, बिन्दु 'च' पर, मिलती है।

च-छ-ज रेखा ग्राम केरा कच्छार और राजगमर की सामान्य सीमा से होकर जाती है और तब राजगमर और केरवा से होकर जाती है और बिन्दु 'ज' पर मिलती है।

ज-झ-ञ-ट-ड-ड-क रेखा राजगमर ब्लाक की दक्षिणी सीमा के साथ-साथ, जैसा कि कां० प्रा० सं० 2989 तारीख 7-10-1963 के अनुसार कोयला वाले क्षेत्र (अर्जन और विकास) अधिनियम, 1957 की धारा 9 के अधीन पहले ही अधिसूचित किया जा चुका है, ग्राम राजगमर से होकर गुजरती है और प्रारम्भिक क और बिन्दु 'क' पर मिलती है।

[सं० 19(63)/77-सी०एस०]

एस०आर०ए० रिजकी, निदेशक

New Delhi, the 9th March, 1978

S.O. 844.—Whereas it appears to the Central Government that coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government hereby gives notice of its intention to prospect for coal therein.

The plan of the area covered by this notification can be Inspected at the Office of the Western Coal fields Limited (Revenue Section), Bisesar House, Temple Road, Nagpur-1 or at the Office of the Collector, Bilaspur (Madhya Pradesh) or at the Office of the Coal Controller, 1, Council House Street, Calcutta.

All persons interested in the lands covered by this notification shall deliver all maps, charts and other documents referred to in sub-section (7) of section 13 of the said Act to the Revenue Officer, Western Coal fields Limited, Bisesar House, Temple Road, Nagpur-1 within ninety days from the date of publication of this notification.

SCHEDULE

Rajgamar Expansion Block

(Korba Coalfield)

District-Bilaspur (M.P.)

Drawing No. C-1(E)/IIR-D 0211077

Dated : 27-9-77

(Showing land notified for prospecting)

Sl. No.	Name of Village	Khewat No.	Patwari Circle No.	Tahsil	District	Area	Remarks
1.	Rajgamar	249	19	Katghora	Bilaspur	—	Part
2.	Korkoma	252	19	"	"	—	Part
3.	Kerwa (U/S)	—	19	"	"	—	Part
4.	Dhengur Dih (U/S)	—	19	"	"	—	Part
5.	Kerakachhar	251	18	"	"	—	Part

Total Area : 1250.00 acres (approximately)

or 506.00 hectares (approximately)

Boundary Description :—

A-B line passes through village Rajgamar along the eastern boundary of Rajgamar Block already notified u/s 9 of the Coal Bearing Area (Acquisition and Development) Act, 1957 vide S.O. No. 9 dated 7-10-1963 and meets at point 'B'.

B-C line passes through villages Rajgamar, Dhengurdih (U/S) and Korkoma and meets at point 'C'.

C-D-E line passes through villages Korkoma, Rajgamar, Kerwa and Kerakachhar and meets at point 'E'.

E-F Line passes through village Kerakachhar and meets at common boundary of villages Kerakachhar and Rajgamar at point 'F'.

F-G-H Line passes along the common boundary of villages Kerakachhar and Rajgamar and then Rajgamar and Kerwa and meets at point 'H'.

H-I-J-K-L-M-N & A. Line passes through village Rajgamar along with the southern boundary of Rajgamar Block already notified u/s 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957, vide S.O. No. 2989 dated 7-10-1963 and meets at starting point 'A'.

[No. 19(63)/77-CL]

S. R. A. RIZVI, Director

(विद्युत विभाग)

नई दिल्ली, 9 मार्च, 1978

क्रा० आ० 845.—केन्द्रीय सरकार, पंजाब पुनर्गठन अधिनियम, 1966 (1966 का 31) की धारा 80 की उपधारा (5) के अनुसरण में, व्यास परियोजना-यूनिट-2 (पोंग में व्यास बांध) के, जिसके संबंध में सन्निर्माण पूरा हो गया है, निम्नलिखित संघटकों को, उक्त अधिनियम की धारा 80 की उपधारा (6) के साथ पठित धारा 79 के अधीन गठित भाखड़ा व्यास प्रबन्ध बोर्ड को 1 अप्रैल, 1978 के अन्तर्गत करती है; अर्थात् :—

1. बांध :

- मिट्टी का बांध, जलाशय सहित, और इसका प्रबन्ध।
- भूकम्प मापी केन्द्र और निस्सरण स्थल, वायरलेस केन्द्रों सहित, मौसम विज्ञान और जल विज्ञान प्रयोगशालाएं।
- बांध में लगे उपकरण।
- जल विकास की सुरंगें।
- विद्युत् प्रतिष्ठापन।

2. जल विकास संकर्म :

- इंटेक संरचनाएं, ट्रैशरेक तथा बल्कहेड सहित।
- जल विकास सुरंगें।

(ग) फाटक, ह्वाएस्ट और बाहक नालियां।

(घ) एलिबेटर और धातु संकर्मों व सहित ह्वाएस्ट-एवं-एलिबेटर शेप्ट।

(ङ) स्टिलिंग बेसिन और संरक्षण संबंधी संकर्म।

3. उमड़ मार्ग :

(क) उमड़ मार्ग, जल विकास गैलरियों सहित, पहुँच चैनल, ग्राउण्ड-फाल चैनल और स्टिलिंग बेसिन।

(ख) उमड़ मार्ग फाटक, तथा प्रचालन संबंधी यांत्रिक व्यवस्था सहित, ह्वाएस्ट और विविध प्रतिष्ठापन।

[सं० 21/14/76-भाखड़ा और व्यास-खण्ड-दो/डी०-III]

पी० एम० बेलिग्रप्पा, संयुक्त सचिव

(Department of Power)

S.O. 845.—In pursuance of sub-section (5) of section 80 of the Punjab Reorganisation Act, 1966 (31 of 1966), the Central Government hereby transfers, with effect from 1st April, 1978 the following components of the Beas Project Unit II (Beas Dam at Pong) in relation to which the construction has been completed, to the Bhakra Beas Management Board constituted under section 79, read with sub-section (6) of section 80, of the said Act, namely :—

I—Dam

- Earthen Dam including reservoir and its management.

- (b) Seismograph stations, discharge sites along with wireless stations, meteorological and hydrological laboratories.
- (c) Instruments embedded in dam.
- (d) Drainage tunnels.
- (e) Electrical installations.

II—Outlet Works

- (a) Intake Structures with Trashracks and Bulkheads.
- (b) Outlet tunnels.
- (c) Gates, Hoists and Conduits.
- (d) Hoist-cum-Elevator shafts with Elevators and Metal works.
- (e) Stilling Basin and Protection works.

III—Spillway

- (a) Spillway including drainage Galleries, Approach channel, outfall channel and stilling basin.
- (b) Spillway Gates including Operation Mechanism, Hoists and Miscellaneous installation.

[No. 21/14/76-B&B-Vol. II/D. III]
P. M. BELLIAPPA, Jt. Secy.

शिक्षा और समाज कल्याण मंत्रालय (शिक्षा विभाग)

नई दिल्ली, 28 फरवरी, 1978

का. आ. 846.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियमावली—1976 के नियम 10 के उपनियम (4) के अनुसरण में केन्द्रीय हिन्दी निदेशालय (शिक्षा और समाज कल्याण मंत्रालय) को, जिसके कर्मचारीवृन्द ने हिन्दी का कार्य साधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है।

[संख्या एफ. 9-4-77-प्रशा. 1/डी-475/78 डी-2 (भाषा)]
सरन सिंह, अवर सचिव

MINISTRY OF EDUCATION AND SOCIAL WELFARE (Department of Education)

New Delhi, the 28th February, 1978

S.O. 846.—In pursuance of sub-rule (4) of rule 10 of the Official Languages (Use for official purposes of the Union) Rules, 1976, the Central Government hereby notifies that the Central Hindi Directorate (Ministry of Education and Social Welfare) the staff whereof have acquired a working knowledge of Hindi.

[No. F. 9-4/77-Admn. I/D. 475/78 D-II(L)]
SARAN SINGH, Under Secy.

भ्रम मंत्रालय

नई दिल्ली, 7 मार्च, 1978

का० आ० 847.—यत्: कर्नाटक राज्य सरकार ने कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 4 के खण्ड (घ) के अनुसरण में श्री वी० वेणुगोपाला नायडू के स्थान पर श्री के० आर० रामाचन्द्रन, आयुक्त तथा सचिव कर्नाटक सरकार, समाज कल्याण एवं भ्रम विभाग, बंगलूर को कर्मचारी राज्य बीमा निगम में उस राज्य का प्रतिनिधित्व करने के लिए नाम निर्दिष्ट किया है।

अतः भ्रम केन्द्रीय सरकार कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 4 के अनुसरण में, भारत सरकार के भ्रम मंत्रालय की अधिसूचना संख्या का० आ० 1517 तारीख 14 अप्रैल, 1976 में निम्नलिखित संशोधन करती है, अर्थात्:—

उक्त अधिसूचना में, "[राज्य सरकारों द्वारा धारा 4 के खण्ड (घ) के अधीन नामनिर्दिष्ट]" शीर्षक के नीचे मद्ध 15 के सामने की प्रविष्टि के स्थान पर, निम्नलिखित प्रविष्टि रखी जाएगी, अर्थात्:—

"श्री के० आर० रामाचन्द्रन, आयुक्त तथा सचिव, कर्नाटक सरकार, समाज कल्याण एवं भ्रम विभाग, बंगलूर।"

[संख्या गू०/16012(3)/76-एच०आर०]

MINISTRY OF LABOUR

New Delhi, the 7th March, 1978

S.O. 847.—Whereas the State Government of Karnataka has, in pursuance of clause (d) of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948) nominated Shri K. R. Ramachandran, Commissioner and Secretary to Government of Karnataka, Social Welfare and Labour Department, Bangalore, to represent that State on the Employees' State Insurance Corporation, in place of Shri V. Venugopala Naidu;

Now, therefore, in pursuance of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Labour No. S.O. 1517, dated the 14th April, 1976, namely:—

In the said notification, under the heading "[Nominated by the State Governments under clause (d) of section 4]", for the entry against item 15, the following entry shall be substituted, namely:—

"Shri K. R. Ramachandran, Commissioner and Secretary to the Government of Karnataka, Social Welfare and Labour Department, Bangalore".

[No. U-16012(3)/76-H.L.]

नई दिल्ली, 9 मार्च, 1978

का० आ० 848.—केन्द्रीय सरकार, कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 87 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, और भारत सरकार के भ्रम मंत्रालय की अधिसूचना सं० का० आ० 3670 तारीख 30 सितम्बर, 1976 के अनुक्रम में वि हिन्दुस्तान एन्टीबायोटिक्स सिमिटेड, पूना को उक्त अधिनियम के प्रवर्तन से 9 अक्टूबर, 1977 से 30 जून, 1978 तक जिसमें यह दिन भी सम्मिलित है की ओर अवधि के लिए छूट देती है।

2. पूर्वोक्त छूट की शर्तें निम्नलिखित हैं, अर्थात्:—

(1) उक्त कारखाने का नियोजक उस अवधि की बाबत जिसके दौरान उस कारखाने पर उक्त अधिनियम प्रवर्तमान था (जिसे इसमें इसके पश्चात् 'उक्त अवधि' कहा गया है), ऐसी विवरणियाँ, ऐसे प्रारूप में और ऐसी विधिष्ठियों सहित देगा जो कर्मचारी राज्य बीमा (साधारण) अधिनियम, 1950 के अधीन उसे उक्त अवधि की बाबत देनी थीं;

(2) निगम द्वारा उक्त अधिनियम की धारा 45 की उपधारा (1) के अधीन नियुक्त किया गया कोई निरीक्षक या निगम का इस निमित्त प्राधिकृत कोई अन्य पदधारी:—

(i) धारा 44 की उपधारा (1) के अधीन उक्त अवधि की बाबत दी गई किसी विवरणी की विधिष्ठियों को सत्यापित करने के प्रयोजनार्थ या

(ii) यह अभिलिखित करने के प्रयोजनार्थ कि कर्मचारी राज्य बीमा (साधारण) अधिनियम, 1950 द्वारा यथा अपेक्षित रजिस्टर और अभिलेख का, उक्त अवधि के लिए रखे गए थे या नहीं, या

- (iii) यह अभिनियमित करने के प्रयोजनार्थ कि कर्मचारी, नियोजक, द्वारा दिए गए उक्त फायदों को, जिसके प्रतिकूलस्वरूप इस अधिसूचना के अधीन छूट दी जा रही है, तकव में और वस्तु रूप में पाने का हकदार बना हुआ है या नहीं; या
- (iv) यह अभिनियमित करने के प्रयोजनार्थ कि उस अवधि के दौरान, जब उक्त कारखाने के संबंध में अधिनियम के उपबन्ध प्रवृत्त थे, ऐसे किन्हीं उपबन्धों का अनुपालन किया गया था या नहीं;

निम्नलिखित कार्य करने के लिए सशक्त होगा :—

- (क) प्रधान या अव्यवहित नियोजक से अपेक्षा करना कि वह उसे ऐसी जानकारी दे जिसे उपरोक्त निरीक्षक या अन्य पदधारी आवश्यक समझता है; या,
- (ख) ऐसे प्रधान या अव्यवहित नियोजक के अभिप्रायार्थ किसी कारखाने, स्थापन, कार्यालय या अन्य परिसर में किसी भी उचित समय पर प्रवेश करना और उसके प्रभारी से यह अपेक्षा करना कि वह व्यक्तियों के नियोजन और मजदूरी के सन्धाय से संबंधित ऐसे लेखा, बहियाँ और अन्यवस्तावेज, ऐसे निरीक्षक या अन्य पदधारी के समक्ष प्रस्तुत करे और उनकी पराक्षी करने दें या उन्हें ऐसी जानकारी दे जिसे वे आवश्यक समझते हैं; या
- (ग) प्रधान या अव्यवहित नियोजक की, उसके अधिकर्ता या सेवक की, या ऐसे किसी व्यक्ति की जो ऐसे कारखाने, स्थापन, कार्यालय या अन्य परिसर में पाया जाए, या ऐसे किसी व्यक्ति को जिसके बारे में उक्त निरीक्षक या अन्य पदधारी के पास यह विश्वास करने का युक्तियुक्त कारण है कि वह कर्मचारी है, परीक्षा करना; या
- (घ) ऐसे कारखाने स्थापन, कार्यालय या अन्य परिसर में रखे गए किसी रजिस्टर लेखाबद्धी या अन्य वस्तावेज की तकल तैयार करना या उससे पदधारण लेना।

व्याख्यात्मक आपन

इस मामले में पूर्वपेक्षी प्रभाव से छूट देनी आवश्यक हो गई है क्योंकि छूट के लिए प्राप्त आवेदन पत्र की कार्रवाई पर समय लगा; तथापि, यह प्रमाणित किया जाता है कि कारखाना छूट का पात्र है। यह भी प्रमाणित किया जाता है कि पूर्वपेक्षी प्रभाव से छूट देने से किसी के हित पर प्रतिकूल प्रभाव नहीं पड़ेगा।

[सं० एस०-38014/35/76-एच० आई०]

New Delhi, the 9th March, 1978

S.O. 848.—In exercise of the powers conferred by section 87 of the Employees' State Insurance Act, 1948 (34 of 1948), and in continuation of the notification of the Government of India in the Ministry of Labour No. S.O. 3670, dated the 30th September, 1976, the Central Government hereby exempts the Hindustan Antibiotics Limited, Pimpri, Pune from the operation of the said Act for a further period from the 9th October, 1977 upto and inclusive of the 30th June, 1978.

2. The above exemption is subject to the following conditions, namely :—

- (1) The employer of the said factory shall submit in respect of the period during which that factory was subject to the operation of the said Act (hereinafter referred to as the said period), such returns in such form and containing such particulars as were due from it in respect of the said period under the Employees' State Insurance (General) Regulations, 1950;

(2) Any Inspector appointed by the Corporation under sub-section (1) of section 45 of the said Act, or other Official of the Corporation authorised in this behalf shall, for the purposes of—

- (i) verifying the particulars contained in any return submitted under sub-section (1) of section 44 for the said period; or
- (ii) ascertaining whether registers and records were maintained as required by the Employees' State Insurance (General) Regulation, 1950 for the said period; or
- (iii) ascertaining whether the employees continue to be entitled to benefits provided by the employer in cash and kind being benefits in consideration of which exemption is being granted under this notification; or
- (iv) ascertaining whether any of the provisions of the Act had been complied with during the period when such provisions were in force in relation to the said factory;

be empowered to—

- (a) require the principal or immediate employer to furnish to him such information and he may consider necessary; or
- (b) enter any factory, establishment, office or other premises occupied by such principal or immediate employer at any reasonable time and require any person found incharge thereof to produce to such Inspector or other official and allow him to examine such accounts, books and other documents relating to the employment of persons and payment of wages or to furnish to him such information as he may consider necessary; or
- (c) examine the principal or immediate employer, his agent or servant, or any person found in such factory, establishment, office or other premises or any person whom the said Inspector or other official has reasonable cause to believe to have been an employee; or
- (d) make copies of or take extracts from, any register, account, book or other document maintained in such factory, establishment, office or other premises.

EXPLANATORY MEMORANDUM

It has become necessary to give retrospective effect to the exemption in this case, as the processing of the application for exemption took time. However, it is certified that the factory is eligible for exemption. It is also certified that grant of exemption with retrospective effect will not affect the interest of anybody adversely.

[No. S-38014/35/76-HI]

नई दिल्ली, 10 मार्च, 1978

का० प्रा० 849.—केन्द्रीय सरकार, कर्मचारी राज्य बीमा अधिनियम 1948 (1948 का 34) की धारा 88 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, और भारत सरकार के श्रम मंत्रालय को अधिसूचना सं० का० प्रा० 2137, तारीख 6 जून, 1977 के अनुक्रम में भारत सरकार के औद्योगिक मंत्रालय से संबंधित केन्द्रीय कर्मचारी लघु उद्योग सेवा संस्थान, मुंबई के नियमित कर्मचारियों को उक्त अधिनियम के प्रवर्तन से, 7 अप्रैल 1977 से 30 जून, 1978 तक, जिसमें यह दिन भी सम्मिलित है, और अवधि के लिए छूट देती है।

2 पूर्वोक्त छूट की शर्तें निम्नलिखित हैं. अर्थात् :—

- (1) पूर्वोक्त कारखाना, जिसमें कर्मचारी नियोजित हैं, एक रजिस्टर रखेगा, जिसमें छूट प्राप्त कर्मचारियों के नाम और पद-विधान दिखाए जायेंगे;

- (2) इस छूट के होते हुए भी, कर्मचारी उक्त अधिनियम के अधीन ऐसी प्रसूतिधाराएं प्राप्त करते रहेंगे, जिनको पाने के लिए वे इस अधिसूचना द्वारा दी गई छूट के प्रवृत्त होने की तारीख से पूर्व संवत्त अधिदायों के आधार पर हकदार हो जावें;
- (3) छूट प्राप्त अवधि के लिए यदि कोई अधिदाय पहले ही किए जा चुके हों तो वे वापिस नहीं किए जाएंगे;
- (4) उक्त कारखाने का नियोजक, उक्त अवधि की बाबत जिसके दौरान उस कारखाने पर उक्त अधिनियम प्रवर्तमान था (जिसे इसमें इसके पश्चात् उक्त अवधि कहा गया है), ऐसी विवरणियां, ऐसे प्ररूप में और ऐसी विधिष्ठियों सहित देगा जो कर्मचारी राज्य बीमा (साधारण) विनियम 1950 के अधीन उसे उक्त अवधि की बाबत देनी थीं;
- (5) निगम द्वारा उक्त अधिनियम की धारा 45 की उपधारा (1) के अधीन नियुक्त किया गया कोई निरीक्षक, या निगम का इस निमित्त प्राधिकृत कोई अन्य पदधारी
- (i) धारा 44 की उपधारा (1) के अधीन, उक्त अवधि की बाबत दी गई किसी विवरणों की विधिष्ठियों को सत्यापित करने के लिए प्रयोजनार्थ या;
- (ii) यह अभिनिश्चित करने के प्रयोजनार्थ कि कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 द्वारा यथा-अपेक्षित रजिस्टर और अभिलेख, उक्त अवधि के लिए रखे गए थे या नहीं; या
- (iii) यह अभिनिश्चित करने के प्रयोजनार्थ कि कर्मचारी, नियोजक द्वारा दिए गए उन फायदों को, जिसके प्रतिफलस्वरूप इस अधिसूचना के अधीन छूट दी जा रही है, नकद में और वस्तु रूप में पाने का हकदार बना हुआ है या नहीं; या
- (iv) यह अभिनिश्चित करने के प्रयोजनार्थ कि उस अवधि के दौरान, जब उक्त कारखाने के संबंध में अधिनियम के उपबन्ध प्रवृत्त थे, ऐसे किन्हीं उपबन्धों का अनुपालन किया गया था या नहीं;

निम्नलिखित कार्य करने के लिए सशक्त होगा :—

- (क) प्रधान या अव्यवहित नियोजक से अपेक्षा करना कि वह उसे ऐसी जानकारी दे जिसे उपरोक्त निरीक्षक या अन्य पदधारी आवश्यक समझता है; या
- (ख) ऐसे प्रधान या अव्यवहित नियोजक के अधिभागाधीन किसी कारखाने, स्थापन, कार्यालय या अन्य परिसर में किसी भी उचित समय पर प्रवेश करना और उसके प्रभारी से यह अपेक्षा करना कि वह व्यक्तियों के नियोजन और मजदूरी के संदाय से संबंधित ऐसे लेखा, बहियां और अन्य दस्तावेज ऐसे निरीक्षक या अन्य पदधारी के समक्ष प्रस्तुत करें और उनकी परीक्षा करने दें, या उन्हें ऐसी जानकारी दे जिसे वे आवश्यक समझते हैं; या
- (ग) प्रधान या अव्यवहित नियोजक की, उसके अभिकर्ता या सेवक की, या ऐसे किसी व्यक्ति की जो ऐसे कारखाने, स्थापन, कार्यालय या अन्य परिसर में पाया जाए, या ऐसे किसी व्यक्ति की जिसके बारे में उक्त निरीक्षक या अन्य पदधारी के पास यह विश्वास करने का युक्तियुक्त कारण है कि वह कर्मचारी है, परीक्षा करना; या
- (घ) ऐसे कारखाने, स्थापन, कार्यालय या अन्य परिसर में रखे गए किसी रजिस्टर, लेखाबही या अन्य दस्तावेज की नकल तैयार करना या उससे उद्धरण लेना।

व्याप्यात्मक शापन

इस मामले में पूर्वपिक्सी प्रभाव से छूट देनी आवश्यक हो गई है क्योंकि छूट के लिए प्राप्त प्रार्थना पत्र पर कार्रवाई करने में समय लगा। तथापि, यह प्रमाणित किया जाता है कि जिन परिस्थितियों में आरम्भ में छूट दी गई थी वे अभी भी विद्यमान हैं और कर्मचारी छूट के पात्र हैं। यह भी प्रमाणित किया जाता है कि पूर्वपिक्सी प्रभाव से छूट देने से किसी के हित पर प्रतिकूल प्रभाव नहीं पड़ेगा।

[संख्या एस०-38014/8/77-एच० आई०]

New Delhi, the 10th March, 1978

S.O. 849.—In exercise of the powers conferred by section 88 of the Employees' State Insurance Act, 1948 (34 of 1948) and in continuation of the notification of the Government of India in the Ministry of Labour No. S.O. 2137 dated the 6th June, 1977 the Central Government hereby exempts the regular employees of the Central workshop, Small Industries Service Unit, Guindy, belonging to the Government of India in the Ministry of Industry from the operation of the said Act for a further period with effect from the 7th April, 1977 upto and inclusive of the 30th June, 1978.

2. The above exemption is subject to the following conditions, namely :—

- (1) The aforesaid factory wherein the employees are employed shall maintain a register showing the names and designations of the exempted employees;
- (2) Notwithstanding this exemption, the employees shall continue to receive such benefits under the said Act to which they might have become entitled to on the basis of the contributions paid prior to the date from which exemption granted by this notification operates;
- (3) The contributions for the exempted period, if already paid, shall not be refunded;
- (4) The employer of the said factory shall submit in respect of the period during which that factory was subject to the operation of the said Act (hereinafter referred to as the said period), such returns in such form and containing such particulars as were due from it in respect of the said period under the Employees' State Insurance (General) Regulations, 1950;
- (5) Any Inspector appointed by the Corporation under sub-section (1) of section 45 of the said Act, or other Official of the Corporation authorised in this behalf shall, for the purposes of—
 - (i) verifying the particulars contained in any return submitted under sub-section (1) of section 44 for the said period; or
 - (ii) ascertaining whether registers and records were maintained as required by the Employees' State Insurance (General) Regulations, 1950, for the said period; or
 - (iii) ascertaining whether the employees continue to be entitled to benefits provided by the employer in cash and kind being benefits in consideration of which exemption is being granted under this notification; or
 - (iv) ascertaining whether any of the provisions of the Act had been complied with during the period when such provisions were in force in relation to the said factory be empowered to—
 - (a) required the principal or immediate employer to furnish to him such information as he may consider necessary; or
 - (b) enter any factory, establishment, office or other premises occupied by such principal or immediate employer at any reasonable time and require any person found incharge thereof to

produce to such Inspector or other official and allow him to examine such accounts, books and other documents relating to the employment of persons and payment of wages or to furnish to him such information as he may consider necessary; or

- (c) examine the principal or immediate employer his agent or servant, or any person found in such factory, establishment, office or other premises, or any person whom the said Inspector or other official has reasonable cause to believe to have been an employee; or
- (d) make copies of or take extracts from, any register, account book or other document maintained in such factory, establishment, office or other premises.

EXPLANATORY MEMORANDUM

It has become necessary to give retrospective effect to the exemption in this case, as the processing of the application for exemption took time. However, it is certified that the conditions under which the exemption was originally granted still persist and the employees are eligible for exemption. It is also certified that the grant of exemption with retrospective effect will not affect the interest of anybody adversely.

[No. S-38014/8/77-HI]

का० आ० 850.—केन्द्रीय सरकार, कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 87 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, और भारत सरकार श्रम मंत्रालय की अधिसूचना संख्या का० आ० 213 तारीख 6 जनवरी, 1978 के क्रम में कर्मचारी राज्य बीमा निगम से परामर्श करने के पश्चात् कोचीन शिपयार्ड लिमिटेड, कोचीन को जो भारत सरकार के नौवहन और परिवहन मंत्रालय के अधीन पब्लिक सेक्टर उपक्रम है, उक्त अधिनियम के प्रवर्तन से 11 फरवरी, 1977, से 10 फरवरी, 1978 तक, जिसमें यह तारीख भी सम्मिलित है को एक वर्ष की अवधि के लिए छूट देती है।

2. पूर्वोक्त छूट की शर्तें निम्नलिखित हैं, अर्थात्:—

(1) उक्त कारखाने का नियोजक उस अवधि की शक्ति जिसके दौरान उस कारखाने पर उक्त अधिनियम प्रवर्तमान था (जिसे इसमें इसके पश्चात् 'उक्त अवधि' कहा गया है) ऐसी विवरणों ऐसे प्रारूप में और ऐसी विशिष्टियों सहित देगा जो कर्मचारी राज्य बीमा (साधारण) विनियम 1950 के अधीन उसे उक्त अवधि की वावत देनी थी;

(2) निगम द्वारा उक्त अधिनियम की धारा 45 की उपधारा (1) के अधीन निवृत्त किया गया कोई निरीक्षक या निगम का इस निमित्त प्राधिकृत कोई अन्य पदधारी:—

(i) धारा 44 की उपधारा (1) के अधीन, उक्त अवधि की वावत दी गई किसी विवरणों की विशिष्टियों को सत्यापित करने के प्रयोजनार्थ, या

(ii) यह अभिलिखित करने के प्रयोजनार्थ कि कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 द्वारा यथा अपेक्षित रजिस्टर और अभिलेखा का, उक्त अवधि के लिए रखे गए थे या नहीं, या

(iii) यह अभिलिखित करने के प्रयोजनार्थ कि कर्मचारी, नियोजक द्वारा दिए गए उन फायदों को, जिसके प्रतिफलस्वरूप इस अधिसूचना के अधीन छूट दी जा रही है, नकब में और वस्तु रूप में पाने का हक्दार बना हुआ है या नहीं, या

(iv) यह अभिलिखित करने के प्रयोजनार्थ कि उस अवधि के दौरान जब उक्त कारखाने के संबंध में अधिनियम के उपबन्ध प्रवृत्त थे, ऐसे किन्हीं उपबन्धों का अनुपालन किया गया था या नहीं;

निम्नलिखित कार्य करने के लिए सशक्त होगा:—

(क) प्रधान या अध्यक्षित नियोजक से अपेक्षा करना कि वह उसे ऐसी जानकारी दे जिसे उपरोक्त निरीक्षक या अन्य पदधारी आवश्यक समझता है; या

(ख) ऐसे प्रधान या अध्यक्षित नियोजक के अधिमोगाधीन किसी कारखाने, स्थापन, कार्यालय या अन्य परिसर में किसी भी उचित समय पर प्रवेश करना और उसके प्रभारी से यह अपेक्षा करना कि वह व्यक्तियों के नियोजन और मजूदरी के सन्दाय से संबंधित ऐसे लेखा, बहियां और अन्य दस्तावेज ऐसे निरीक्षक या अन्य पदधारी के समक्ष प्रस्तुत करें और उनकी परीक्षा करने दें, या उन्हें ऐसी जानकारी दे जिसे वे आवश्यक समझते हैं; या

(ग) प्रधान या अध्यक्षित नियोजक की, उसके अधिकारी या सेवक की, या किसी व्यक्ति की ओर ऐसे कारखाने, स्थापन, कार्यालय या अन्य परिसर में पाया जाए, या ऐसे किसी व्यक्ति की जिसके बारे में उक्त निरीक्षक या अन्य पदधारी के पास यह विश्वास करने का युक्तियुक्त कारण है कि वह कर्मचारी है, परीक्षा करना; या

(घ) ऐसे कारखाने, स्थापन, कार्यालय या अन्य परिसर में रखे गए किसी रजिस्टर, लेखावही या अन्य दस्तावेज की नकल तैयार करना या उससे उद्धरण लेना।

अवधि/समय का प्रभाव

इस मामले में पूर्वोक्त प्रभाव से छूट देनी आवश्यक हो गई है क्योंकि छूट के लिए प्राप्त आवेदन पत्र की कार्रवाई पर समय लगा। तथापि, यह प्रमाणित किया जाता है कि कारखाना छूट का पात्र है। यह भी प्रमाणित किया जाता है कि पूर्वोक्त प्रभाव से छूट देने से किसी के हित पर प्रतिकूल प्रभाव नहीं पड़ेगा।

[सं० एस० 38014/19/76-एच०आई०]

S.O. 850.—In exercise of the powers conferred by section 87 of the Employees' State Insurance Act, 1948 (34 of 1948) and in continuation of the notification of the Government of India in the Ministry of Labour No. S.O. 213 dated 6th January, 1978, the Central Government, after consultation with Employees' State Insurance Corporation, hereby exempts the Cochin Shipyard Limited, Cochin, Public Sector Undertaking under the Ministry of Shipping and Transport from the operation of the said Act for a period of one year with effect from the 11th February, 1977 up to and inclusive of the 10th February, 1978.

2. The above exemption is subject to the following conditions, namely:—

(1) The employer of the said factory shall submit in respect of the period during which that factory was subject to the operation of the said Act (hereinafter referred to as the said period), such returns in such form and containing such particulars as were due from it in respect of the said period under the Employees' State Insurance (General) Regulation, 1950;

3. Any Inspector appointed by the Corporation under sub-section (1) of section 45 of the said Act, or other Official of Corporation authorised in this behalf shall, for the purposes of—

(i) verifying the particulars contained in any return submitted under sub-section (1) of section 44 for the said period; or

(ii) ascertaining whether registers and records were maintained as required by the Employees' State Insurance (General) Regulations, 1950 for the said period; or

- (iii) ascertaining whether the employees continue to be entitled to benefits provided by the employer in cash and kind being benefits in consideration of which exemption is being granted under this notification; or
- (iv) ascertaining whether any of the provisions of the Act has been complied with during the period when such provisions were in force in relation to the said factory;

be empowered to—

- (a) required the principal or immediate employer to furnish to him such information as he may consider necessary; or
- (b) enter any factory, establishment, office or other premises occupied by such principal or immediate employer at any reasonable time and require any person found in charge thereof to produce to such Inspector or other official and allow him to examine such accounts, books and other documents relating to the employment of persons and payment of wages or to furnish to him such information as he may consider necessary; or
- (c) examine the principal or immediate employer, his agent or servant, or any person found in such factory, establishment, office or other premises or any person whom the said Inspector or other official has reasonable cause to believe to have been an employee; or
- (d) make copies of or take extracts from, any register, account book or other document maintained in such factory, establishment, office or other premises.

EXPLANATORY MEMORANDUM

It has become necessary to give retrospective effect to the exemption in this case, as the processing of the application for exemption took time. However, it is certified that the factory is eligible for exemption. It is also certified that the grant of exemption with retrospective effect will not affect the interest of anybody adversely.

[No. S. 38014/19/76-HI]

नई दिल्ली, 13 मार्च, 1978

का० आ० 851:—केन्द्रीय सरकार, कर्मचारी भविष्य निधि स्कीम, 1952 के पैरा 5 के साथ पठित पैरा 4 के उप-पैरा (1) के अनुसूचना में और भारत सरकार के भूतपूर्व श्रम, रोजगार और पुनर्वास मंत्रालय की अधिसूचना सं० का० आ० 2071 तारीख 23 मई, 1969 को अधिकांत करते हुए, कर्नाटक राज्य के लिए एक प्रादेशिक समिति बनाती है, जिसमें निम्नलिखित व्यक्ति होंगे, अर्थात्:—

अध्यक्ष:

1. आयुक्त और सचिव, कर्नाटक सरकार, समाज कल्याण और केन्द्रीय सरकार द्वारा नियुक्त। श्रम विभाग, विधान सौध, बंगलूर। सदस्य:

2. श्रम आयुक्त कर्नाटक सरकार, बंगलूर।
3. उप सचिव, कर्नाटक सरकार, विस्त विभाग, बंगलूर।

राज्य सरकार की मफारिश पर केन्द्रीय सरकार द्वारा नियुक्त किए गए दो व्यक्ति।

4. श्री एच० एन० श्रीधर, अध्यक्ष राज्य के नियोजकों के संगठनों कर्नाटक प्रदेश होटल एण्ड रेस्टां एसोसिएशन, होटल कामधेनु, ट्रिनीटी सर्किल, महात्मा गांधी रोड, बंगलूर।

5. श्री सी० एम० रेड्डी, अध्यक्ष, कारवा गुड्स कैरियर्स लिमिटेड, सं० 12-होसुर मार्ग, बंगलूर।
6. श्री के० ए० अयप्पा, अध्यक्ष, कर्नाटक प्लान्टर्स एसोसिएशन, कैगमोर एस्टेट, पोस्ट बॉक्स सं० 3, पीली बेट्टा, जिला कोर्ग।

राज्य के नियोजकों के संगठनों के परामर्श से केन्द्रीय सरकार द्वारा नियुक्त किए गए नियोजकों के तीन प्रतिनिधि।

7. श्री अलमपल्ली वेंकटराम, राज्य महासचिव, भारतीय मजदूर संघ कार्यालय, भूवेवार चेताराम मार्ग, बंगलूर।
9. श्री पी० रामचन्द्र राव, भारतीय व्यापार संघ केन्द्र की कर्नाटक राज्य समिति, के० बी० टेम्पल स्ट्रीट, मुलतानपेट, बंगलूर।
9. श्री डी० बेंकटेश, भारतीय राष्ट्रीय व्यापार संघ काग्रेस, कर्नाटक शाखा, 13/14 मधुराई मुद्रालियर मार्ग, जाली मुहल्ला काटनपेट, बंगलूर।

राज्य के कर्मचारी संगठनों के परामर्श से केन्द्रीय सरकार द्वारा नियुक्त किए गए कर्मचारियों के तीन प्रतिनिधि।

[सं० बी० 20012/1/76-पी०एफ०-II]

New Delhi, the 13th March, 1978

S.O.851—In pursuance of sub paragraph (1) of paragraph 4 read with paragraph 5 of the Employees' Provident Funds Scheme, 1952 and in supersession of the notification of the Government of India in the late Ministry of Labour, Employment and Rehabilitation Number S.O. 2071, dated the 23rd May, 1969, the Central Government hereby sets up a Regional Committee for the State of Karnataka, consisting of the following persons, namely:—

Chairman:

1. The Commissioner and Secretary Appointed by the to the Government of Karnataka, Central Government. Social Welfare and Labour Department, Vidhana Soudha, Bangalore.

Members:

2. The Commissioner of Labour, Government of Karnataka, Bangalore.
3. The Deputy Secretary to the Government of Karnataka, Finance Department, Bangalore.

Two persons appointed by the Central Government on the recommendation of the State Government.

4. Shri H.N. Sreedhar, President, Karnataka Pradesh Hotels and Restaurants Association, Hotel Kamdhenu, Trinity Circle Mahatma Gandhi Road, Bangalore.
5. Shri C.M. Reddy, Chairman, Caravan Goods Carriers Limited No. 12, Hosur Road, Bangalore.
6. Shri K.A. Ayappa, Chairman, Karnataka Planters' Association Craigmore Estate, Post Box No. 3, Pollibetta, District Coorg.

Three representatives of the employers appointed by the Central Government in consultation with the Organisations of the employers in the State.

7. Shri Allampalli Venkataram,
State General Secretary, Bharatiya
Mazdoor Sagh Office, Subedar
Chetram Road, Bangalore.

8. Shri P. Ramachandra Rao, Karna-
taka State Committee of Centre of
Indian Trade Unions, K.V. Temple
Street, Sultanpet, Bangalore.

9. Shri D. Venkatesh, General Secre-
tary, Indian National Trade Union
Congress, Karnataka Branch
13/14, Madurai Mudaliar Road,
Jolly Mohalla, Cottonpet, Banga-
lore.

Three representatives
of the employees
appointed by the Cen-
tral Government in
consultation with
Organisations of em-
ployees in the State.

[No. V. 20012(1)/76-PF-II]

नई दिल्ली, 14 मार्च, 1978

का० आ० 852.--नेशनल मिनरल डेवलपमेंट लिमिटेड, मुकराम-
जाई रोड, पोस्ट बॉक्स सं० 195, हैदराबाद-500001 (जिसे इस
इसके पश्चात् उक्त स्थापन कहा गया है) ने कर्मचारी भविष्य निधि
और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) (जिसे इसमें
इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 17 की उपधारा
(1) के खण्ड (क) के अधीन छूट देने के लिए आवेदन किया है;

और केन्द्रीय सरकार की राय में अधिदाय की दरों की बाबत
उक्त स्थापन के भविष्य निधि नियम उसके कर्मचारियों के लिए उन
नियमों से कम अनुकूल नहीं हैं जो उक्त अधिनियम की धारा 17 में
विनिर्दिष्ट हैं, और कर्मचारी, कर्मचारी भविष्य निधि की अन्य प्रमुखिधियों
का भी उपयोग कर रहे हैं जो उन प्रमुखिधियों से कम अनुकूल नहीं हैं,
जो उसी प्रकार के किसी अन्य स्थापन के कर्मचारियों के संबंध
में, उक्त अधिनियम के अधीन और कर्मचारी भविष्य निधि स्कीम, 1952
(जिसे इसमें इसके पश्चात् उक्त स्कीम कहा गया है) के अधीन उप-
बन्धित है;

अतः, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 17 की उप-
धारा (1) के खण्ड (क) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए
और इससे उपाबद्ध अनुसूची में विनिर्दिष्ट शर्तों के अधीन रहते हुए, उक्त
स्थापन को उक्त स्कीम के सभी उपबन्धों के प्रवर्तन से छूट देती है।

अनुसूची

1. उक्त स्थापन से सम्बद्ध नियोजक, निरीक्षण के लिए ऐसी सुवि-
धाएं प्रदान करेगा और ऐसे निरीक्षण प्रभार का प्रत्येक मास के अन्त
के 15 दिन के भीतर सन्दाय करेगा जो केन्द्रीय सरकार, उक्त अधिनियम
की धारा 17 की उपधारा (3) के खण्ड (क) के अधीन विनिर्दिष्ट
करे।

2. उक्त स्थापन से सम्बद्ध नियोजक:--

(i) भविष्य निधि अभिदायों के विनिधान की बाबत उक्त अधि-
नियम की धारा 17 की उपधारा (3) के खण्ड (क) के
अधीन समय समय पर केन्द्रीय सरकार द्वारा जारी किए गए
निर्देशों का पालन करेगा;

(ii) यह ध्यान रखने के लिए सम्यक सावधानी बरतेगा कि उक्त
स्थापन की बाबत गठित न्यासी बोर्ड भविष्य निधि अभिदायों
का विनिधान समय समय पर केन्द्रीय सरकार द्वारा जारी
किए गए निर्देशों के अनुसार करता है और उक्त न्यासी बोर्ड
द्वारा भविष्य निधि अभिदायों के ऐसे विनिधान के लिए उत्तर-
दायी होगा।

3. नियोजक प्रादेशिक भविष्य निधि आयुक्त को ऐसी विवरणियां
भेजेगा। जिन्हें केन्द्रीय सरकार समय-समय पर निश्चित करे।

4. नियोजक प्रत्येक कर्मचारी को वार्षिक लेखा विवरण या पास
बुक भेजेगा।

5. निधि के प्रशासन, जिसमें लेखाओं का बनाना, रखना, लेखाओं
और विवरणियों का भेजा जाना संचयों का अन्तरण निरीक्षण प्रभारों
आदि का सन्दाय सम्मिलित है, में होने वाले सभी व्ययों का वहन नियो-
जक द्वारा किया जाएगा।

6. नियोजक प्रति वर्ष हर एक सदस्य के खाते में ऐति दूर पर
जो न्यासी बोर्ड अवधारित करे ब्याज जमा कर देगा और ऐसी दर
उस दर से कम नहीं होगी जो समय समय पर केन्द्रीय सरकार द्वारा
अवधारित की जाए।

7. नियोजक समुचित सरकार द्वारा अनुमोदित निधि के नियमों की
एक प्रति और जब कभी उनमें संशोधन किया जाएगा उसकी एक प्रति
कर्मचारियों की बहुसंख्या की भाषा में उसकी मुख्य बातों को अनुवाद
सहित स्थापन के सूचना पट्ट पर प्रदर्शित करेगा।

8. यदि कोई ऐसा कर्मचारी, जो कर्मचारी भविष्य निधि (कानूनी
निधि) या छूट प्राप्त किसी अन्य स्थापन की भविष्य निधि का पहले
ही से सदस्य है, उसके स्थापन में नियोजित होता है तो नियोजक स्थापन
की निधि के सदस्य के रूप में उसका नाम तुरन्त ही दर्ज करेगा और
ऐसे कर्मचारी की बाबत उसके पिछले संचयों को स्वीकार करके उन्हें
उसके खाते में जमा करेगा।

9. यदि उस वर्ग के स्थापनों के लिए, जिसमें नियोजक का स्थान
आता है भविष्य निधि के अभिदायों की दर उक्त अधिनियम के अधीन
बढ़ाया जाए तो नियोजक भविष्य निधि के अभिदायों की दर समुचित
रूप से बढ़ा देगा ताकि स्थापन की भविष्य निधि स्कीम के अधीन की
प्रमुखिधियां उन प्रमुखिधियों से कम अनुकूल न हो जाएं जिनकी व्यवस्था
उक्त अधिनियम के अधीन है।

10. स्थापन अपने भविष्य निधि का संवरीक्षित तुलनपत्र हर वर्ष
प्रादेशिक भविष्य निधि आयुक्त को वर्षान्तर के तीन मास के भीतर भेजेगा।

11. स्थापन के भविष्य निधि नियमों में किसी बात के होते हुए
भी, यदि किसी सदस्य को उस स्थापन का कर्मचारी न रह जाने की
दशा में देय रकम प्रयत्न किसी अन्य स्थापन को उसका स्थानान्तरण हो
जाने पर अन्तरणीय रकम जो कि नियोजक और कर्मचारियों के अभिदाय
के रूप तथा उस पर ब्याज और उसके अतिरिक्त वह रकम भी, यदि
कोई हो, जो पेंशन नियमों के अधीन देय है, कुल मिलाकर यदि उस रकम
से कम है जो नियोजक और कर्मचारी के अभिदाय के रूप में तथा उस
पर ब्याज के रूप में उस दशा में देय होती जब कर्मचारी, कर्मचारी
भविष्य निधि स्कीम, 1952 के अधीन भविष्य निधि का सदस्य होता,
तो नियोजक इन रकमों के अन्तर के बराबर रकम सदस्य को क्षतिपूर्ति
के रूप में अथवा विशेष अभिदाय के रूप में सन्दाय करेगा।

12. भविष्य निधि नियमों में कोई भी संशोधन प्रादेशिक भविष्य
निधि आयुक्त के पूर्व अनुमोदन के बिना नहीं किया जाएगा और जहां
किसी संशोधन से कर्मचारियों के हितों पर प्रतिकूल प्रभाव पड़ना संभाव्य
हो वहां प्रादेशिक भविष्य निधि आयुक्त आन्ध्र प्रदेश अनुमोदन करने से
पूर्व, कर्मचारियों को अपना दृष्टिकोण स्पष्ट करने का युक्तियुक्त अवसर
देगा।

[सं० 35014/34/77-पी० एफ II]

New Delhi, the 14th March, 1978

S.O. 852.—Whereas Messrs. National Mineral Development
Corporation Limited, Mukheramjahi Road, Post Box Number
195, Hyderabad-500001 (hereinafter referred to as the said
establishment) has applied for exemption under clause (a)
of sub-section (1) of section 17 of the Employees' Provident
Funds and Miscellaneous Provisions Act, 1952 (19 of 1952);

And whereas in the opinion of the Central Government, the rules of the provident fund of the said establishment with respect to the rates of contribution are not less favourable to the employees therein than those specified in section 6 of the said Act, and the employees are also in enjoyment of other provident fund benefits which on the whole are not less favourable to the employees than the benefits provided under the said Act or under the Employees' Provident Fund Scheme, 1952 (hereinafter referred to as the said Scheme) in relation to the employees in any other establishment of a similar character;

Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of section 17 of the said Act and subject to the conditions specified in the Schedule annexed hereto, the Central Government hereby exempts the said establishment from the operation of all the provisions of the said Scheme.

SCHEDULE

1. The employer in relation to the said establishment shall provide for such facilities for inspection and pay such inspection charges as the Central Government may, from time to time, direct under clause (a) of sub-section (3) of section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), within 15 days from the close of every month.

2. The employer in relation to the said establishment :

(i) shall comply with the directions issued by the Central Government, from time to time, under clause (a) of sub-section (3) of section 17 of the said Act in regard to the investment of provident fund contributions;

(ii) shall take due care to see that the Board of Trustees constituted in respect of that establishment invest the provident fund contributions in accordance with the directions issued by the Central Government, from time to time, and shall be responsible for such investment of the provident fund contributions by the said Board of Trustees.

3. The employer shall submit such returns to the Regional Provident Fund Commissioner as the Central Government may, from time to time, direct.

4. The employer shall furnish to each employee an annual Statement of account or Pass Book.

5. All expenses involved in the administration of the fund including the maintenance of accounts, submission of accounts and returns, transfer of accumulations, payment of inspection charges, etc., shall be borne by the employer.

6. The employer shall credit, every year to the account of each member interest at such rates as may be determined by the Board of Trustees and such rate shall not be less than the one determined by the Central Government from time to time.

7. The employer shall display on the notice board of the establishment a copy of the rules of the fund as approved by the appropriate Government and, as and when amended, along with a translation of the salient points thereof in the language of the majority of the employees.

8. Where an employee who is already a member of the Employees' Provident Fund (Statutory Fund) or the provident fund of another exempted establishment is employed in his establishment the employer shall immediately enrol him as a member of the fund of the establishment, and accept the past accumulations in respect of such employee and credit to his account.

9. The employer shall enhance the rate of provident fund contribution appropriately if the rate of provident fund contributions for the class of establishments in which his establishment falls is enhanced under the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) so that the benefits under the provident fund scheme of the establishment shall not become less favourable than the benefits provided under the said Act.

10. The establishment shall submit an audited balance sheet of its provident fund every year to the Regional Commissioner within three months of the close of the year.

11. Notwithstanding anything contained in the rules of the provident fund of the establishment if the amount payable to any member upon his ceasing to be an employee of the establishment or transferable on his transfer to any other establishment, by way of employer and employees' contribution plus interest thereon taken together with the amount, if any, payable under the Pension Rules, be less than the amount that would be payable as employer's and employees' contributions plus interest thereon, if he were a member of the Provident Fund under the Employees' Provident Fund Scheme, 1952, the employer shall pay the difference to the member as compensation or special contribution.

12. No amendment of the rules of the provident fund of the establishment shall be made without the previous approval of the Regional Provident Fund Commissioner and where any amendment is likely to affect adversely the interests of the employees, the Regional Provident Fund Commissioner, Andhra Pradesh shall, before giving his approval, give a reasonable opportunity to the employees to explain their point of view.

[No. S. 35014/34/77-PF. III]

कां० प्रा० 853.-केन्द्रीय सरकार का समाधान हो गया है कि विज्ञान और प्रौद्योगिकी विभाग के अधीन भारतीय सर्वेक्षण हेबराबाद के पाइलट मानचित्र उत्पादन संयंत्र के सं० 104 (हेबराबाद) मद्रास समूह के कर्मचारियों को सारतः उसी प्रकार की प्रमुखियाँ अन्य रूप में प्राप्त हैं, जैसी कि कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) के अधीन उपबन्धित है;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 90 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, कर्मचारी राज्य बीमा नियम से परामर्श करने के पश्चात् ऊपर वर्णित कारखाने को उक्त अधिनियम के प्रवर्तन से, 1 जनवरी, 1970 से 30 जून, 1978 तक जिसमें यह ता० भी सम्मिलित है की अवधि के लिये छूट देती है।

2. पूर्वोक्त छूट की शर्त निम्नलिखित हैं, अर्थात्:-

(1) उक्त कारखाने का नियोजक, उस अवधि की बाबत जिसके दौरान उस कारखाने पर उक्त अधिनियम प्रवर्तमान था (जिसे इसमें इसके पश्चात् 'उक्त अवधि' कहा गया है), ऐसी विवरणियाँ, ऐसे प्ररूप में और ऐसी विशिष्टियों सहित देगा जो कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 के अधीन उसे उक्त अवधि की बाबत देनी थीं;

(2) नियम द्वारा उक्त अधिनियम की धारा 45 की उपधारा (1) के अधीन नियुक्त किया गया कोई निरीक्षक, या नियम का इस निमित्त प्राधिकृत कोई अन्य पदधारी—

(i) धारा 44 की उपधारा (1) के अधीन, उक्त अवधि की बाबत दी गई किसी विवरणी की विशिष्टियों को सत्यापित करने के प्रयोजनार्थ; या

(ii) यह अभिनिश्चित करने के प्रयोजनार्थ कि कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 द्वारा यथाप्रयोजित रजिस्टर और अभिलेख उक्त अवधि के लिये रखे गये थे या नहीं; या

(iii) यह अभिनिश्चित करने के प्रयोजनार्थ कि कर्मचारी, नियोजक द्वारा दिये गये उन फायदों को, जिसके प्रतिफलस्वरूप इस अधि-सूचना के अधीन छूट दी जा रही है, नकद में और बन्धु रूप में पाने का हकदार बना हुआ है या नहीं; या

(iv) यह अभिनिश्चित करने के प्रयोजनार्थ कि उस अवधि के दौरान जब उक्त कारखाने, के सम्बन्ध में अधिनियम के उपबन्ध प्रवृत्त थे, ऐसे किन्हीं उपबन्धों में से किसी का अनुपालन किया गया था या नहीं।

निम्नलिखित कार्य करने के लिये सशक्त होगा :-

(क) प्रधान या व्यवस्थित नियोजक से अपेक्षा करना कि वह उसे ऐसी जानकारी दे जैसी वह आवश्यक समझता है; या

- (ख) ऐसे प्रधान या अध्यक्षित नियोजक के अधिभोगाधीन किसी कारखाने, स्थापन, कार्यालय या अन्य परिसर में किसी भी उचित समय पर प्रवेश करना और उसके प्रभारी से अपेक्षा करता कि वह व्यक्तियों के नियोजन और मजूरी के संदाय से संबंधित ऐसी लेखा बहियां और अन्य दस्तावेज, ऐसे निरीक्षक या अन्य पदधारी समक्ष प्रस्तुत करे और उनकी परीक्षा करने के, या उन्हें ऐसी जानकारी दे जिसे वे आवश्यक समझते हैं; या
- (ग) प्रधान या अध्यक्षित नियोजक को, उसके अधिकर्ता या सेवक की, या ऐसे किसी व्यक्ति की जो ऐसे कारखाने स्थापन, कार्यालय या अन्य परिसर में पाया जाये या ऐसे किसी व्यक्ति की जिसके बारे में उक्त निरीक्षक या अन्य पदधारी के पास यह विश्वास करने का युक्तियुक्त कारण है कि वह कर्मचारी है, परीक्षा करना; या
- (घ) ऐसे कारखाने, स्थापन, कार्यालय या अन्य परिसर में रखे गये किसी रजिस्टर, लेखाबही या अन्य दस्तावेज की नकल तैयार करना या उससे उद्धरण लेना।

व्याख्यात्मक भाषण

इस मामले में पूर्वापेक्षी प्रभाव से छूट देने, आवश्यक हो गई है क्योंकि छूट की मजूरी के लिये नियोजक का अभ्यावेदन देर से प्राप्त हुआ था। तथापि, यह प्रमाणित किया जाता है कि कारखाना छूट का पात्र है। यह भी प्रमाणित किया जाता है कि पूर्वापेक्षी प्रभाव से छूट देने से किसी के हित पर प्रतिकूल प्रभाव नहीं पड़ेगा।

[सं० एस० 38014/25/77-एच० आई०]

एस० एस० सहस्रानामन, उपसचिव

S.O. 853.—Whereas the Central Government is satisfied that the employees of the No. 104 (HBD) Printing Group, Pilot Map Production Plant, Survey of India, Hyderabad under the Department of Science and Technology are otherwise in receipt of benefits substantially similar to the benefits provided under the Employees' State Insurance Act, 1948 (34 of 1948);

Now, therefore, in exercise of the powers conferred by section 90 of the said Act, the Central Government, after consultation with the Employees' State Insurance Corporation, hereby exempts the above-mentioned factory from the operation of the said Act for the period from 1st January, 1970 upto and inclusive of the 30th June, 1978.

2. The above exemption is subject to the following conditions namely :—

(1) The employer of the said factory shall submit in respect of the period during which that factory was subject to the operation of the said Act (hereinafter referred to as the said period), such returns in such form and containing such particulars as were due from it in respect of the said period under the Employees' State Insurance (General) Regulations, 1950;

(2) Any inspector appointed by the Corporation under sub-section (1) of section 45 of the said Act, or other official of the Corporation authorised in this behalf shall for the purposes of—

(i) verifying the particulars contained in any return submitted under sub-section (1) of section 44 for the said period; or

(ii) ascertaining whether registers and records were maintained as required by the Employees' State Insurance (General) Regulations, 1950 for the said period; or

(iii) ascertaining whether the employees continue to be entitled to benefits provided by the employer in cash and kind being benefits in consideration of which exemption is being granted under this notification; or

(iv) ascertaining whether any of the provisions of the Act had been complied with during the period when such provisions were in force in relation to the said factory :—

be empowered to—

(a) require the principal or immediate employer to furnish to him such information as he may consider necessary; or

(b) enter any factory, establishment, office or other premises occupied by such principal or immediate employer at any reasonable time and require any person found incharge thereof to produce to such Inspector or other official and allow him to examine such accounts, books and other documents relating to the employment of persons and payment of wages or to furnish to him such information as he may consider necessary; or

(c) examine the principal or immediate employer, his agent or servant, or any person found in such factory, establishment, office or other premises, or any person whom the said Inspector or other official has reasonable cause to believe to have been an employee; or

(d) make copies of or take extracts from, any register, account book or other document maintained in such factory, establishment, office or other premises.

EXPLANATORY MEMORANDUM

It has become necessary to give retrospective effect to the exemption in this case, as the application from the employer for grant of exemption was received late. However, it is certified that the factory is eligible for exemption. It is also certified that the grant of exemption with retrospective effect will not affect the interest of anybody adversely.

[No. S-38014/25/77 HI]

S. S. SAHASRANAMAN, Dy. Secy

CORRIGENDUM

New Delhi, the 9th March, 1978

S.O. 854.—In the notification of the Government of India in the Ministry of Labour No. S.O. 721, dated the 16th February, 1977, at page 943, in the Schedule, against serial number 7, under column 3 for “(excluding Civil Districts of Bangalore, Kolar, Mysore, Mandya, Tunkur, Coorg, South Kanara, Hasan, Chickmagalur, Shimoga and Chitradurg)” read “(excluding Civil Districts of Bangalore, Kolar, Mysore, Mandya, Tunkur, Coorg, South Kanara, Hasan, Chickmagalur, Shimoga and Chitradurg) and Andhra Pradesh (excluding the Civil District of Chittoor).”

[No. S-16025(8)/75-PW]

CORRIGENDUM

S.O. 854.—In the notification of the Government of India, in the Ministry of Labour No. S.O. 722 dated the 16th February, 1977, published in the Gazette of India, Part II Section 3, sub-section (ii) dated the 5th March, 1977 at pages 944-945—

In the Schedule,

(i) against each of the serial numbers 5, 6, 8, to 11 for “Labour Enforcement Officer” read “Labour Enforcement Officers”;

(ii) against serial No. 8, under column 3 for “Shimoga (Chitradurg) and Andhra Pradesh” read “Shimoga, Chitradurg and Andhra Pradesh”;

(iii) against serial number 10—

(a) under column 2 for “(Central)” read “(Central) in the Asansol region”;

(b) under column 3 for “Districts” read “Civil Districts”;

(iv) against serial number 11 under column 2 for “Labour Enforcement Officer (Central)” read “Labour Enforcement Officers (Central) in Bhubaneswar region.”

[No. S-16025(8)/75-LW]

K. D. GANDHI, Under Secy.

नई दिल्ली, 14 मार्च, 1978

का० प्रा० 856.—केन्द्रीय सरकार ने यह समाधान हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (ड) के उपखण्ड (i) के उपबन्धों के अनुसरण में, भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का० प्रा० 3052 तारीख 13 सितम्बर, 1977 द्वारा यद्योपरि-भाषित ताँबा खनन उद्योग को उक्त अधिनियम के प्रयोजनों के लिये 1 अक्टूबर, 1977 से छः मास की कालावधि के लिये लोक उपयोगी सेवा घोषित किया था;

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छः मास की और कालावधि के लिये बढ़ाया जाना अपेक्षित है;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (ड) के उपखण्ड (i) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिये 1 अप्रैल, 1978 से छः मास की और कालावधि के लिये लोक उपयोगी सेवा घोषित करती है।

[सं० एस०-11017/3/78-डी० 1(ए०)(i)]

New Delhi, the 14th March, 1978

S.O. 856.—Whereas the Central Government having been satisfied that the public interest so required, had in pursuance of the provisions of sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the notification of the Government of India in the Ministry of Labour No. S.O. 3052 dated the 13th September, 1977 the Copper Mining Industry to be a public utility service for the purposes of the said Act, for a period of six months from the 1st October, 1977;

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947, (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act, for a further period of six months from the 1st April, 1978.

[No. S. 11017/3/78/DI(A)(i)]

का० प्रा० 857.—केन्द्रीय सरकार ने यह समाधान हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (ड) के उपखण्ड (6) के उपबन्धों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का० प्रा० 3551 तारीख 13 सितम्बर, 1977 द्वारा सीसा खनन उद्योग को उक्त अधिनियम के प्रयोजनों के लिये 25 सितम्बर, 1977 से छः मास की कालावधि के लिये लोक उपयोगी सेवा घोषित किया था।

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छः मास की और कालावधि के लिये बढ़ाया जाना अपेक्षित है;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (ड) के उपखण्ड (6) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों को 25 मार्च, 1978 से छः मास की और कालावधि के लिये लोक उपयोगी सेवा घोषित करती है।

[सं० एस० 11017/3/78-डी० 1(ए०)(ii)]

S.O. 857.—Whereas the Central Government being satisfied that the public interest so required, had in pursuance of the provisions of sub-clause (vi) of clause (n) of section (2) of the Industrial Disputes Act, 1947 (14 of 1947), declared by the notification of the Government of India in the Ministry of Labour No. S.O. 3051 dated the 13th September, 1977,

the lead mining industry to be a public utility service for the purposes of the said Act, for a period of six months from the 25th September, 1977;

And whereas the Central Government is of the opinion that the public interest requires the extension of the said period by a further period of six months;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act for a further period of six months from the 25th March, 1978.

[No. S. 11017/3/78/DI(A)(ii)]

गृहि-पत्र

का० प्रा० 858.—भारत के तारीख 11 फरवरी, 1978 के राजपत्र, भाग 2, खण्ड 3, उपखण्ड (ii) में पृष्ठ 338 पर प्रकाशित भारत सरकार के श्रम मंत्रालय की अधिसूचना का० प्रा० 383 तारीख 23 जनवरी, 1978, की पंक्ति 14 में, "1977" को "1978" पढ़ें।

[सं० एस० 11017/2/78-डी० 1(ए०)]

एल० के० नारायणन, हेडक्वार्टर अधिकारी

CORRIGENDUM

S.O. 858.—In the notification of the Government of India in the Ministry of Labour No. S.O. 383 dated the 23rd January, 1978, published at page 338 in the Gazette of India, Part II, section 3 sub-section (ii) dated the 11th February, 1978 in line 18 of the said notification, for "1977" read "1978".

[No. S. 11017/2/78/DI(A)]

L. K. NARAYANAN, Desk Officer

New Delhi, the 4th March, 1978

S.O. 859.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal Bombay in the industrial dispute between the employers in relation to the management of the Bank of Baroda and their workmen, which was received by the Central Government on the 14-2-78.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT BOMBAY

Reference No. CGIT-9 of 1975

PARTIES:

Employers in relation to the management of Bank of Baroda

AND

Their Workmen

APPEARANCES:

For the employers:

1. Shri L. C. Joshi, Advocate.
2. Shri P. K. Desai, Personnel Officer.

For the workmen:

1. Shri Jayanath Gadkari, Advocate.
2. Shri Mukund R. Bhatt, General Secretary.

INDUSTRY: Banking STATE: Maharashtra
Bombay, the 3rd December, 1977

AWARD

1. The Government of India, in the Ministry of Labour by their Order No. L. 121012/31/74/LRMII, dated the 25th February, 1975 in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, has referred the following matter for adjudication by this Tribunal.

SCHEDULE

"Whether the action of the Bank of Baroda in not promoting Shri V. S. Rane, clerk in the Crawford Market Branch to the Grade of Special Assistant is justified? If not, to what relief is the workman entitled?"

2. After the parties had filed their respective written statements, etc. the matter was fixed for hearing on a number of occasions but was being adjourned on one or another ground. However, on the date of hearing, that is, on 3-12-1977 the parties filed a joint agreement stating that the Bank had agreed to promote Shri V. S. Rane, the

employee concerned in the dispute, to the post of Special Assistant on the usual existing terms and conditions including the probationary period with effect from 1st August, 1976 and that in view of this agreement the workmen did not desire to proceed with the reference and prayed that the reference may accordingly be disposed of.

3. I find the agreement fair and reasonable and answer the reference accordingly.

J. NARAIN, Presiding Officer

[F. No. L-12012/31/74-LR(II)]

R. P. NARULA, Under Secy.

